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INDIANA REGISTER

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RELATION OF THE INDIANA REGISTER TO THE INDIANA ADMINISTRATIVE CODE

The Indiana Register is an official monthly publication of the state of Indiana. The Indiana Legislative Council publishes the full text of proposed rules, final rules, and other documents, such as executive orders and attorney general's opinions, in the Indiana Register in the order in which the Indiana Legislative Council receives the documents.

The Indiana Administrative Code is an official annual publication of the state of Indiana. It codifies the current general and permanent rules of state agencies in subject matter order.

The Indiana Register acts as a source of information about the rules being proposed by state agencies and acts as an "advance sheet" to the Indiana Administrative Code. With few exceptions, an agency may not adopt a rule, i.e., a policy statement having the force of law, without publishing a substantially similar proposed version in the Indiana Register. Although a rule becomes effective without publication in the Indiana Register, an agency must file an adopted and approved rule with the Indiana Legislative Council. The Council publishes these final rules in the Indiana Register.

RETENTION SCHEDULE

A person must consult the following publications to find the current rules of state agencies:

- (1) 2005 Indiana Administrative Code (CD-ROM version).
- (2) Volume 28 of the Indiana Register (CD-ROM version).

The Indiana Administrative Code and Indiana Register are distributed in CD-ROM format only. Both are also accessible at www.in.gov/legislative/ic_iac/.

The 2004 Edition of the Indiana Administrative Code and other volumes of the Indiana Register may be discarded. (Please consider recycling.)

JUDICIAL NOTICE AND CITATION FORM

IC 4-22-9 provides for the judicial notice of rules published in the Indiana Register or the Indiana Administrative Code. Subject to any errata notice that may affect a rule, the latest published version of a final rule is prima facie evidence of that rule's validity and content.

Cite to a current general and permanent rule by Indiana Administrative Code citation, regardless of whether it has been published in a supplement to the Indiana Administrative Code. For example, cite the entire current contents of title 312 as "Title 312 of the Indiana Administrative Code," cite the entire current contents of the third article in title 312 as "312 IAC 3," cite the entire current contents of the fourth rule in article three as "312 IAC 3-4," and cite part or all of the current contents of the second section in rule four as "312 IAC 3-4-2." IC 4-22-9-6 provides that a citation in this form contains later adopted amendments. Cite a noncodified rule provision by LSA document number, SECTION number, and Indiana Register citation to the page at which the cited text begins. If a reference to a particular version of a rule or a page in the Indiana Register is appropriate, cite the volume, page, and year of publication as "25 Ind. Reg. 120 (2002)." A shorter Indiana Register citation form is "25 IR 120."

PRINTING CODE

This style type is used to indicate that substantive text is being inserted by amendment into a rule, and **this style type** is used to indicate that substantive text is being eliminated by amendment from a rule. **This style type** is replaced by a single large "X" to show the elimination of a form or other piece of artwork. **This style type** is used to indicate a rule is being added. *This style type* and **this style type** also are used to highlight nonsubstantive annotations to a rule and to indicate that an entry in a reference table or the index concerns a final rule.

REFERENCE TABLES AND INDEX

The page location of rules and other documents printed in the Indiana Register may be found by using the tables and index published in the Indiana Register. A citation listing of the general and permanent rules affected in a volume and a cumulative index are published in each issue. Cumulative tables that cite executive orders, attorney general's opinions, and other nonrule policy documents printed in a calendar year are published quarterly.

FILING AND PUBLISHING SCHEDULE

NOTICE AND PUBLICATION SCHEDULE. The Legislative Services Agency publishes documents filed by 4:45 p.m. on the tenth day of a month (no later than the twelfth day of a month, excluding holidays or weekends) in the following month's Indiana Register according to the schedule below:

PUBLICATION SCHEDULE

Closing Dates:	Publication Dates:	Closing Dates:	Publication Dates:
July 11, 2005	August 1, 2005	February 10, 2006	March 1, 2006
August 10, 2005	September 1, 2005	March 10, 2006	April 1, 2006
September 9, 2005	October 1, 2005	April 10, 2006	May 1, 2006
October 10, 2005	November 1, 2005	May 10, 2006	June 1, 2006
November 10, 2005	December 1, 2005	June 9, 2006	July 1, 2006
December 9, 2005	January 1, 2006	After July 1, 2006, publication dates will be determined on an individual document basis.	
January 10, 2006	February 1, 2006		

Documents will be accepted for filing on any business day from 8:00 a.m. to 4:45 p.m.

AROC NOTICES: Under IC 2-5-18-4, the Administrative Rules Oversight Committee is established to oversee the rules of any agency not listed in IC 4-21.5-2-4. As a result, certain notices to the AROC are required and are printed in the Indiana Register.

CORRECTIONS: IC 4-22-2-38 authorizes an agency to correct typographical, clerical, or spelling errors in a final rule without initiating a new rulemaking procedure. Correction notices are printed on errata pages in the Indiana Register.

EFFECTIVE DATE: IC 4-22-2-36 provides that, unless a later date is specified in the rule, a rule becomes effective thirty (30) days after filing with the Secretary of State.

EMERGENCY RULES: IC 4-22-2-37.1 provides summary rulemaking procedures for certain specified categories of rules.

INCORPORATION BY REFERENCE: IC 4-22-2-21 requires that a copy of matters that are incorporated by reference into a rule must be filed with the Attorney General, the Governor, and the Secretary of State along with the text of the incorporating final rule.

NONRULE POLICY DOCUMENTS: IC 4-22-7-7 requires that any nonrule document that interprets, supplements, or implements a statute and that the issuing agency may use in conducting its external affairs must be filed with the Legislative Services Agency and published in the Indiana Register.

NOTICE OF INTENT TO ADOPT A RULE: IC 4-22-2-23 requires an agency to publish a Notice of Intent to Adopt a Rule at least thirty (30) days before publication of the proposed rule.

PROMULGATION PERIOD: In order to be effective, the final version of an adopted rule must be approved by the Attorney General and the Governor within one (1) year after the date that the notice of intent is published. The final rule must then be filed with the Secretary of State.

PUBLIC HEARINGS: IC 4-22-2-24 requires that the public hearing on a proposed rule be scheduled at least twenty-one (21) days after a notice of the hearing is published in the Indiana Register and in a newspaper of general circulation in Marion County.

RULES READOPTION: IC 4-22-2.5 provides that a rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect, unless the rule contains an earlier expiration date.

State Agencies

AGENCY	TITLE NUMBER	ALPHABETICAL LIST AGENCY	TITLE NUMBER
Accountancy, Indiana Board of	872	†Industrial Board of Indiana	630
Accounts, State Board of	20	Information Technology Oversight Commission, State	28
Adjutant General	270	Inspector General, Office of the	42
Administration, Indiana Department of	25	Insurance, Department of	760
†Administrative Building Council of Indiana	660	Labor, Department of	610
†Aeronautics Commission of Indiana	110	Land Surveyors, State Board of Registration for	865
†Aging and Community Services, Department on	450	Law Enforcement Training Board	250
†Agricultural Development Corporation, Indiana	770	Library and Historical Board, Indiana	590
†Agricultural Experiment Station	350	†Library Certification Board	595
†Agriculture, Commissioner of	340	Local Government Finance, Department of	50
†Agriculture, Commissioner of	375	Lottery Commission, State	65
†Air Pollution Control Board	325.1	Manufactured Home Installer Licensing Board	879
Air Pollution Control Board	326	†Medical and Nursing Distribution Loan Fund Board of Trustees, Indiana	580
†Air Pollution Control Board of the State of Indiana	325	Medical Licensing Board of Indiana	844
Alcohol and Tobacco Commission	905	Mental Health and Addiction, Division of	440
Amusement Device Safety Board, Regulated	685	Meridian Street Preservation Commission	925
Animal Health, Indiana State Board of	345	Motor Vehicles, Bureau of	140
Architects and Landscape Architects, Board of Registration for	804	†Natural Resources, Department of	310
Athletic Trainers Board, Indiana	898	Natural Resources Commission	312
Attorney General for the State, Office of	10	Nursing, Indiana State Board of	848
Auctioneer Commission, Indiana	812	Occupational Safety Standards Commission	620
Barber Examiners, Board of	816	Optometric Legend Drug Prescription Advisory Committee, Indiana	857
Boiler and Pressure Vessel Rules Board	680	Optometry Board, Indiana	852
Boxing Commission, State	808	Parole Board	220
Budget Agency	85	†Personnel Board, State	30
Chemist of the State of Indiana, State	355	Personnel Department, State	31
Children's Health Insurance Program, Office of the	407	Pesticide Review Board, Indiana	357
Chiropractic Examiners, Board of	846	Pharmacy, Indiana Board of	856
Civil Rights Commission	910	Plumbing Commission, Indiana	860
†Clemency Commission, Indiana	230	Podiatric Medicine, Board of	845
Commerce, Department of	55	Police Department, State	240
Community Residential Facilities Council	431	Political Subdivision Risk Management Commission, Indiana	762
Consumer Protection Division of the Office of the Attorney General	11	Port Commission, Indiana	130
Controlled Substances Advisory Committee	858	Private Detectives Licensing Board	862
Coroners Training Board	207	Professional Standards, Advisory Board of the Division of	515
Correction, Department of	210	Proprietary Education, Indiana Commission on	570
Cosmetology Examiners, State Board of	820	Psychology Board, State	868
Creamery Examining Board	365	Public Access Counselor, Office of the	62
Criminal Justice Institute, Indiana	205	Public Employees' Retirement Fund, Board of Trustees of the	35
Deaf Board, Indiana School for the	514	Public Records, Oversight Committee on	60
Dentistry, State Board of	828	Public Safety Training Board	280
†Developmental Disabilities Residential Facilities Council	430	Real Estate Commission, Indiana	876
Dietitians Certification Board, Indiana	830	†Reciprocity Commission of Indiana	145
Disability, Aging, and Rehabilitative Services, Division of	460	Revenue, Department of State	45
†Education, Commission on General	510	Safety Review, Board of	615
Education, Indiana State Board of	511	School Bus Committee, State	575
Education Employment Relations Board, Indiana	560	Secretary of State	75
Education Savings Authority, Indiana	540	Securities Division	710
Egg Board, State	370	Seed Commissioner, State	360
†Election Board, State	15	Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board	839
Election Commission, Indiana	18	†Soil and Water Conservation Committee, State	311
†Elevator Safety Board	670	Soil Scientists, Indiana Board of Registration for	307
Emergency Management Agency, State	290	†Solid Waste Management Board	320.1
Emergency Medical Services Commission, Indiana	836	Solid Waste Management Board	329
Employees' Appeals Commission, State	33	Speech-Language Pathology and Audiology Board	880
†Employment and Training Services, Department of	645	†Standardbred Board of Regulations, Indiana	341
Engineers, State Board of Registration for Professional	864	†Stream Pollution Control Board of the State of Indiana	330
Enterprise Zone Board	58	Student Assistance Commission, State	585
Environmental Adjudication, Office of	315	Tax Review, Indiana Board of	52
Environmental Health Specialists, Board of	896	†Teacher Training and Licensing, Commission on	530
†Environmental Management Board, Indiana	320	Teachers' Retirement Fund, Board of Trustees of the Indiana State	550
Ethics Commission, State	40	†Television and Radio Service Examiners, Board of	884
Fair Commission, State	80	†Textbook Adoptions, Commission on	520
Family Resources, Division of	470	Toxicology, State Department of	260
Family and Social Services, Office of the Secretary of	405	†Traffic Safety, Office of	150
Financial Institutions, Department of	750	†Transportation, Department of	100
†Fire Marshal, State	650	Transportation, Indiana Department of	105
Fire Prevention and Building Safety Commission	675	Transportation Finance Authority, Indiana	135
Firefighting Personnel Standards and Education, Board of	655	Underground Storage Tank Financial Assurance Board	328
Forensic Sciences, Commission on	415	†Unemployment Insurance Board, Indiana	640
Funeral and Cemetery Service, State Board of	832	Utility Regulatory Commission, Indiana	170
Gaming Commission, Indiana	68	†Vehicle Inspection, Department of	160
Geologists, Indiana Board of Licensure for Professional	305	Veterans' Affairs Commission	915
Grain Buyers and Warehouse Licensing Agency, Indiana	824	Veterinary Medical Examiners, Indiana Board of	888
Grain Indemnity Corporation, Indiana	825	Victim Services Division	203
†Hazardous Waste Facility Site Approval Authority, Indiana	323	†Violent Crime Compensation Division	480
Health, Indiana State Department of	410	†Vocational and Technical Education, Indiana Commission on	572
Health Facilities Council, Indiana	412	†Wage Adjustment Board	635
Health Facility Administrators, Indiana State Board of	840	War Memorials Commission, Indiana	920
†Highways, Department of	120	†Watch Repairing, Indiana State Board of Examiners in	892
Home Inspectors Licensing Board	878	Water Pollution Control Board	327
†Horse Racing Commission, Indiana	70	†Water Pollution Control Board	330.1
Horse Racing Commission, Indiana	71	Worker's Compensation Board of Indiana	631
Hospital Council	414	Workforce Development, Department of	646
Housing Finance Authority, Indiana	930		
†Human Service Programs, Interdepartmental Board for the Coordination of	490		

†Agency's rules are expired, repealed, transferred, or otherwise voided.

State Agencies

NUMERICAL LIST

TITLE NUMBER	TITLE NUMBER
GENERAL GOVERNMENT	
10	Office of Attorney General for the State
11	Consumer Protection Division of the Office of the Attorney General
†15	State Election Board
18	Indiana Election Commission
20	State Board of Accounts
25	Indiana Department of Administration
28	State Information Technology Oversight Commission
†30	State Personnel Board
31	State Personnel Department
33	State Employees' Appeals Commission
35	Board of Trustees of the Public Employees' Retirement Fund
40	State Ethics Commission
42	Office of the Inspector General
45	Department of State Revenue
50	Department of Local Government Finance
52	Indiana Board of Tax Review
55	Department of Commerce
58	Enterprise Zone Board
60	Oversight Committee on Public Records
62	Office of the Public Access Counselor
65	State Lottery Commission
68	Indiana Gaming Commission
†70	Indiana Horse Racing Commission
71	Indiana Horse Racing Commission
75	Secretary of State
80	State Fair Commission
85	Budget Agency
TRANSPORTATION AND PUBLIC UTILITIES	
†100	Department of Transportation
105	Indiana Department of Transportation
†110	Aeronautics Commission of Indiana
†120	Department of Highways
130	Indiana Port Commission
135	Indiana Transportation Finance Authority
140	Bureau of Motor Vehicles
†145	Reciprocity Commission of Indiana
†150	Office of Traffic Safety
†160	Department of Vehicle Inspection
170	Indiana Utility Regulatory Commission
CORRECTIONS, POLICE, AND MILITARY	
203	Victim Services Division
205	Indiana Criminal Justice Institute
207	Coroners Training Board
210	Department of Correction
220	Parole Board
†230	Indiana Clemency Commission
240	State Police Department
250	Law Enforcement Training Board
260	State Department of Toxicology
270	Adjutant General
280	Public Safety Training Board
290	State Emergency Management Agency
NATURAL RESOURCES, ENVIRONMENT, AND AGRICULTURE	
305	Indiana Board of Licensure for Professional Geologists
307	Indiana Board of Registration for Soil Scientists
†310	Department of Natural Resources
†311	State Soil and Water Conservation Committee
312	Natural Resources Commission
315	Office of Environmental Adjudication
†320	Indiana Environmental Management Board
†320.1	Solid Waste Management Board
†323	Indiana Hazardous Waste Facility Site Approval Authority
†325	Air Pollution Control Board of the State of Indiana
†325.1	Air Pollution Control Board
326	Air Pollution Control Board
327	Water Pollution Control Board
328	Underground Storage Tank Financial Assurance Board
329	Solid Waste Management Board
†330	Stream Pollution Control Board of the State of Indiana
†330.1	Water Pollution Control Board
†340	Commissioner of Agriculture
†341	Indiana Standardbred Board of Regulations
345	Indiana State Board of Animal Health
†350	Agricultural Experiment Station
355	State Chemist of the State of Indiana
357	Indiana Pesticide Review Board
360	State Seed Commissioner
365	Creamery Examining Board
370	State Egg Board
375	Commissioner of Agriculture
HUMAN SERVICES	
405	Office of the Secretary of Family and Social Services
407	Office of the Children's Health Insurance Program
410	Indiana State Department of Health
412	Indiana Health Facilities Council
414	Hospital Council
415	Commission on Forensic Sciences
†430	Developmental Disabilities Residential Facilities Council
431	Community Residential Facilities Council
440	Division of Mental Health and Addiction
†450	Department on Aging and Community Services
460	Division of Disability, Aging, and Rehabilitative Services
470	Division of Family Resources
†480	Violent Crime Compensation Division
†490	Interdepartmental Board for the Coordination of Human Service Programs
EDUCATION AND LIBRARIES	
†510	Commission on General Education
511	Indiana State Board of Education
514	Indiana School for the Deaf Board
515	Advisory Board of the Division of Professional Standards
†520	Commission on Textbook Adoptions
†530	Commission on Teacher Training and Licensing
540	Indiana Education Savings Authority
550	Board of Trustees of the Indiana State Teachers' Retirement Fund
560	Indiana Education Employment Relations Board
570	Indiana Commission on Proprietary Education
†572	Indiana Commission on Vocational and Technical Education
575	State School Bus Committee
†580	Indiana Medical and Nursing Distribution Loan Fund Board of Trustees
585	State Student Assistance Commission
590	Indiana Library and Historical Board
†595	Library Certification Board
LABOR AND INDUSTRIAL SAFETY	
610	Department of Labor
615	Board of Safety Review
620	Occupational Safety Standards Commission
†630	Industrial Board of Indiana
631	Worker's Compensation Board of Indiana
†635	Wage Adjustment Board
†640	Indiana Unemployment Insurance Board
†645	Department of Employment and Training Services
646	Department of Workforce Development
†650	State Fire Marshal
655	Board of Firefighting Personnel Standards and Education
†660	Administrative Building Council of Indiana
†670	Elevator Safety Board
675	Fire Prevention and Building Safety Commission
680	Boiler and Pressure Vessel Rules Board
685	Regulated Amusement Device Safety Board
BUSINESS, FINANCE, AND INSURANCE	
710	Securities Division
750	Department of Financial Institutions
760	Department of Insurance
762	Indiana Political Subdivision Risk Management Commission
†770	Indiana Agricultural Development Corporation
OCCUPATIONS AND PROFESSIONS	
804	Board of Registration for Architects and Landscape Architects
808	State Boxing Commission
812	Indiana Auctioneer Commission
816	Board of Barber Examiners
820	State Board of Cosmetology Examiners
824	Indiana Grain Buyers and Warehouse Licensing Agency
825	Indiana Grain Indemnity Corporation
828	State Board of Dentistry
830	Indiana Dietitians Certification Board
832	State Board of Funeral and Cemetery Service
836	Indiana Emergency Medical Services Commission
839	Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board
840	Indiana State Board of Health Facility Administrators
844	Medical Licensing Board of Indiana
845	Board of Podiatric Medicine
846	Board of Chiropractic Examiners
848	Indiana State Board of Nursing
852	Indiana Optometry Board
856	Indiana Board of Pharmacy
857	Indiana Optometric Legend Drug Prescription Advisory Committee
858	Controlled Substances Advisory Committee
860	Indiana Plumbing Commission
862	Private Detectives Licensing Board
864	State Board of Registration for Professional Engineers
865	State Board of Registration for Land Surveyors
868	State Psychology Board
872	Indiana Board of Accountancy
876	Indiana Real Estate Commission
878	Home Inspectors Licensing Board
879	Manufactured Home Installer Licensing Board
880	Speech-Language Pathology and Audiology Board
†884	Board of Television and Radio Service Examiners
888	Indiana Board of Veterinary Medical Examiners
†892	Indiana State Board of Examiners in Watch Repairing
896	Board of Environmental Health Specialists
898	Indiana Athletic Trainers Board
MISCELLANEOUS	
905	Alcohol and Tobacco Commission
910	Civil Rights Commission
915	Veterans' Affairs Commission
920	Indiana War Memorials Commission
925	Meridian Street Preservation Commission
930	Indiana Housing Finance Authority

†Agency's rules are expired, repealed, transferred, or otherwise voided.

Final Rules

TITLE 327 WATER POLLUTION CONTROL BOARD

LSA Document #04-13(F)

DIGEST

Amends drinking water rules at 327 IAC 8-2, 327 IAC 8-2.1, and 327 IAC 8-2.6 concerning radionuclides, long term 1 enhanced surface water treatment, arsenic, minor corrections to interim enhanced surface water treatment, disinfectants and disinfection byproducts, lead and copper, public notification, and analytical methods for public drinking water systems. Effective 30 days after filing with the secretary of state.

HISTORY

First Notice of Comment Period: #04-13(WPCB), February 1, 2004, Indiana Register (27 IR 1656).

Second Notice of Comment Period and Notice of First Hearing: #04-13(WPCB), September 1, 2004, Indiana Register (27 IR 4149).

Change in Notice of Public Hearing: #04-13 (WPCB), November 1, 2004, Indiana Register (28 IR 620).

Date of First Hearing: November 23, 2004.

Publication of Proposed Rule and Notice of Second Hearing: LSA Document #04-13, January 1, 2005, Indiana Register (28 IR 1205).

Date of Second Hearing and Final Adoption: January 12, 2005.

327 IAC 8-2-1	327 IAC 8-2-45
327 IAC 8-2-4	327 IAC 8-2-46
327 IAC 8-2-4.1	327 IAC 8-2.1-3
327 IAC 8-2-4.2	327 IAC 8-2.1-4
327 IAC 8-2-5.1	327 IAC 8-2.1-6
327 IAC 8-2-5.2	327 IAC 8-2.1-8
327 IAC 8-2-5.5	327 IAC 8-2.1-9
327 IAC 8-2-8.5	327 IAC 8-2.1-14
327 IAC 8-2-8.7	327 IAC 8-2.1-16
327 IAC 8-2-9	327 IAC 8-2.1-17
327 IAC 8-2-10.1	327 IAC 8-2.6-1
327 IAC 8-2-10.2	327 IAC 8-2.6-2
327 IAC 8-2-10.3	327 IAC 8-2.6-2.1
327 IAC 8-2-13	327 IAC 8-2.6-3
327 IAC 8-2-34	327 IAC 8-2.6-4
327 IAC 8-2-34.1	327 IAC 8-2.6-5

SECTION 1. 327 IAC 8-2-1 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-1 Definitions

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16
Affected: IC 13-11-2; IC 13-18

Sec. 1. In addition to the definitions contained in IC 13-11-2 and 327 IAC 1, the following definitions apply throughout this rule, 327 IAC 8-2.1, 327 IAC 8-2.5, and 327 IAC 8-2.6:

(1) "Act" means the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(2) "Action level" means the concentration of lead or copper in water specified in section 36(c) of this rule **which that** determines, in some cases, the treatment requirements

contained in sections 36 through 47 of this rule that a water system is required to complete.

(3) "Adjustment program" means the addition of fluoride to drinking water by a public water system for the prevention of dental cavities.

(4) "Administrator" means the administrator of the U.S. EPA.

(5) "Best available technology" or "BAT" means best technology, treatment techniques, or other means **which that** the commissioner finds are available, after examination for efficacy under field conditions, and not solely under laboratory conditions, and after taking cost into consideration. For the purpose of setting ~~maximum contaminant levels~~ **MCLs** for synthetic organic chemicals, any BAT must be at least as effective as granular activated carbon.

(6) "Coagulation" means a process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into flocs.

(7) "Commissioner" means the commissioner of the Indiana department of environmental management or the designated agent of the commissioner.

(8) "Community water system" or "CWS" means a public water system **which that** serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents.

(9) "Compliance cycle" means the nine (9) year calendar year cycle during which public water systems must monitor. Each compliance cycle consists of three (3) three-year compliance periods. The first calendar year cycle begins January 1, 1993, and ends December 31, 2001; the second begins January 1, 2002, and ends December 31, 2010; the third begins January 1, 2011, and ends December 31, 2019.

(10) "Compliance period" means a three (3) year calendar year period within a compliance cycle. Each compliance cycle has three (3) three-year compliance periods. Within the first compliance cycle, the first compliance period runs from January 1, 1993, to December 31, 1995; the second from January 1, 1996, to December 31, 1998; the third from January 1, 1999, to December 31, 2001. Within the second compliance cycle, the first compliance period runs from January 1, 2002, to December 31, 2004; the second from January 1, 2005, to December 31, 2007; and the third from January 1, 2008, to December 31, 2010. Within the third compliance cycle, the first compliance period runs from January 1, 2011, to December 31, 2013; the second from January 1, 2014, to December 31, 2016; and the third from January 1, 2017, to December 31, 2019.

(11) "Comprehensive performance evaluation" or "CPE" means a thorough review and analysis of a treatment plant's performance-based capabilities and associated administrative, operation, and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements. For purposes of compliance with 327 IAC 8-2.6-1, the ~~comprehensive performance evaluation~~ **CPE** must consist of at least the following components:

- (A) Assessment of plant performance.
 - (B) Evaluation of major unit processes.
 - (C) Identification and prioritization of performance limiting factors.
 - (D) Assessment of the applicability of comprehensive technical assistance.
 - (E) Preparation of a CPE report.
- (12) "Confluent growth" means a continuous bacterial growth covering the entire filtration area of a membrane filter, or a portion thereof, in which bacterial colonies are not discrete.
- (13) "Contaminant" means any:
- (A) microorganisms;
 - (B) chemicals;
 - (C) waste;
 - (D) physical substance;
 - (E) radiological substance; or
 - (F) any wastewater;
- introduced or found in the drinking water.
- (14) "Conventional filtration treatment" means a series of processes including:
- (A) coagulation;
 - (B) flocculation;
 - (C) sedimentation; and
 - (D) filtration;
- resulting in substantial particulate removal.
- (15) "Corrosion inhibitor" means a substance capable of reducing the corrosivity of water toward metal plumbing materials, especially lead and copper, by forming a protective film on the interior surface of those materials.
- (16) "CT" or "CTcalc" is the product of residual disinfectant concentration (C) in milligrams per liter determined before or at the first customer and the corresponding disinfectant contact time (T) in minutes, such as $C \times T$. If a public water system applies disinfectants at more than one (1) point prior to the first customer, **it the public water system** must determine the CT of each disinfectant sequence before or at the first customer to determine the total percent inactivation or total inactivation ratio. In determining the total inactivation ratio, the public water system must determine the residual disinfectant concentration of each disinfection sequence and corresponding contact time before any subsequent disinfection application point. $CT_{99.9}$ is the CT value required for ninety-nine and nine-tenths percent (99.9%) (3-log) inactivation of *Giardia lamblia* cysts. $CT_{99.9}$ for a variety of disinfectants and conditions appears in Tables 1.1-1.6, 2.1, and 3.1 of ~~para-~~**graph 40 CFR 141.74(b)(3)¹**.

$$\frac{CT_{calc}}{CT_{99.9}}$$

is the inactivation ratio. The sum of the inactivation ratios or total inactivation ratio shown as:

$$\sum \frac{CT_{calc}}{CT_{99.9}}$$

is calculated by adding together the inactivation ratio for each disinfection sequence. A total inactivation ratio equal to or greater than one (1.0) is assumed to provide a 3-log inactivation of *Giardia lamblia* cysts.

(17) "Diatomaceous earth filtration" means a process resulting in substantial particulate removal in which:

- (A) a precoat cake of diatomaceous earth filter media is deposited on a support membrane (septum); and
- (B) while the water is filtered by passing through the cake on the septum, additional filter media known as body feed is continuously added to the feed water to maintain the permeability of the filter cake.

(18) "Direct filtration" means a series of processes, including coagulation and filtration but excluding sedimentation resulting in substantial particulate removal.

(19) "Disinfectant" means any oxidant, including, but not limited to:

- (A) chlorine;
- (B) chlorine dioxide;
- (C) chloramines; and
- (D) ozone;

added to water in any part of the treatment or distribution process that is intended to kill or inactivate pathogenic microorganisms.

(20) "Disinfectant contact time" or "T in CT calculations" means the time in minutes that it takes for water to move from the point of disinfectant application or the previous point of disinfectant residual measurement to a point before or at the point where residual disinfectant concentration (C) is measured. Where only one (1) C is measured, T is the time in minutes that it takes for water to move from the point of disinfectant application to a point before or at where C is measured. Where more than one (1) C is measured, T is:

- (A) for the first measurement of C, the time in minutes that it takes for water to move from the first or only point of disinfectant application to a point before or at the point where the first C is measured; and
- (B) for subsequent measurements of C, the time in minutes that it takes for water to move from the previous C measurement point to the C measurement point for which the particular T is being calculated.

Disinfectant contact time in pipelines must be calculated based on plug flow by dividing the internal volume of the pipe by the maximum hourly flow rate through that pipe. Disinfectant contact time within mixing basins and storage reservoirs must be determined by tracer studies or an equivalent demonstration.

(21) "Disinfection" means a process ~~which that~~ inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

(22) "Disinfection profile" means a summary of daily *Giardia lamblia* inactivation through a treatment plant. **The procedure for developing a disinfection profile is contained in 327 IAC 8-2.6-2 for systems serving at least ten thousand (10,000) individuals and 327 IAC 8-2.6-2.1 for systems serving fewer than ten thousand (10,000) individuals.**

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(23) "Domestic or other nondistribution system plumbing problem" means a coliform contamination problem in a public water system with more than one (1) service connection that is limited to the specific service connection from which the coliform-positive sample was taken.

(24) "Dose equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICRUM).

(25) "Drinking water violation" means violations of the ~~maximum contaminant level~~ MCL, treatment technique (TT), monitoring requirements, and testing procedures in this rule. 327 IAC 8-2.1-16 identifies the tier assignment for each specific violation or situation requiring a public notice.

(26) "Effective corrosion inhibitor residual" means a concentration sufficient to form a passivating film on the interior walls of a pipe for the purpose of sections 36 through 47 of this rule only.

(27) "Enhanced coagulation" means the addition of sufficient coagulant for improved removal of disinfection byproduct precursors by conventional filtration treatment.

(28) "Enhanced softening" means the improved removal of disinfection byproduct precursors by precipitative softening.

(29) "Filter profile" means a graphical representation of individual filter performance, based on continuous turbidity measurements or total particle counts versus time for an entire filter run, from startup to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed.

(30) "Filtration" means a process for removing particulate matter from water by passage through porous media.

(31) "First draw sample" means a one (1) liter sample of tap water collected in accordance with section 37 of this rule, that has been standing in the plumbing pipes at least six (6) hours and is collected without flushing the tap.

(32) "Flocculation" means a process to enhance agglomeration or collection of smaller floc particles into larger, more easily settleable particles through gentle stirring by hydraulic or mechanical means.

(33) "GAC10" means granular activated carbon filter beds with an empty-bed contact time of ten (10) minutes based on average daily flow and a carbon reactivation frequency of every one hundred eighty (180) days.

(34) "Gross alpha particle activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

(35) "Gross beta particle activity" means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample.

(36) "Ground water under the direct influence of surface water" means any water beneath the surface of the ground with:

(A) significant occurrence of insects or other

macroorganisms, algae, or large-diameter pathogens such as *Giardia lamblia* or, for Subpart H systems serving at least ten thousand (10,000) individuals **only and beginning January 1, 2005, systems serving fewer than ten thousand (10,000) individuals**, *Cryptosporidium*; or (B) significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH **which that** closely correlate to climatological or surface water conditions.

Direct influence must be determined for individual sources in accordance with criteria established by the commissioner. The commissioner's determination of direct influence may be based on site-specific measurements of water quality **and/or or** documentation of well construction characteristics and geology with field evaluation, **or both**.

(37) "Haloacetic acids (five)" or "HAA5" means the sum of the concentrations in milligrams per liter of the haloacetic acid compounds:

(A) monochloroacetic acid;

(B) dichloroacetic acid;

(C) trichloroacetic acid;

(D) monobromoacetic acid; and

(E) dibromoacetic acid;

rounded to two (2) significant figures after addition.

(38) "Halogen" means one (1) of the chemical elements chlorine, bromine, or iodine.

(39) "Initial compliance period" means January 1993 to December 1995, for the contaminants listed in sections 4 (other than arsenic, barium, cadmium, fluoride, lead, mercury, selenium, and silver), 5, and 5.4(a) (other than benzene, vinyl chloride, carbon tetrachloride, 1,2-dichloroethane, trichloroethylene, 1,1-dichloroethylene, 1,1,1-trichloroethane, and para-dichlorobenzene) of this rule.

(40) "Large water system" means a water system that serves more than fifty thousand (50,000) people for the purpose of sections 36 through 47 of this rule only.

(41) "Lead service line" means a service line made of lead **which that** connects the water main to the building inlet and any lead pigtail, gooseneck, or other fitting **which that** is connected to such lead line.

(42) "Legionella" means a genus of bacteria, some species of which have caused a type of pneumonia called Legionnaires Disease.

(43) "Manmade beta particle and photon emitters" means all radionuclides emitting beta particle **and/or or** photons, **or both**, listed in "Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure", NBS Handbook 69, as amended August 1973, U.S. Department of Commerce, except the daughter products of thorium-232, uranium-235, and uranium-238.

(44) "Maximum contaminant level" **or** "MCL" means the maximum permissible level of a contaminant in water **which that** is delivered to the free flowing outlet of the ultimate user of a public water system, except in the case of turbidity where

the maximum permissible level is measured at the point of entry to the distribution system. Contaminants added to the water under circumstances controlled by the user, except those resulting from corrosion of piping and plumbing caused by water quality, are excluded from this definition.

(45) “Maximum contaminant level goal” or “MCLG” means the maximum level of a contaminant in drinking water at which no known or anticipated adverse effect on the health of persons would occur and ~~which that~~ includes an adequate margin of safety. ~~Maximum contaminant level goals~~ **MCLGs** are nonenforceable health goals.

(46) “Maximum residual disinfectant level” or “MRDL” means a level of a disinfectant added for water treatment that may not be exceeded at the consumer’s tap without an unacceptable possibility of adverse health effects.

(47) “Maximum residual disinfectant level goal” or “MRDLG” means the maximum level of a disinfectant added for water treatment at which no known or anticipated adverse effect on the health of individuals would occur and ~~which that~~ allows an adequate margin of safety.

(48) “Maximum total trihalomethane potential” or “MTP” means the maximum concentration of ~~total trihalomethanes~~ **TTHM** produced in a given water containing a disinfectant residual after seven (7) days at a temperature of twenty-five (25) degrees Celsius or above.

(49) “Medium size water system” means a water system that serves greater than three thousand three hundred (3,300) and less than or equal to fifty thousand (50,000) persons for the purpose of sections 36 through 47 of this rule only.

(50) “Near the first service connection” means at one (1) of the twenty percent (20%) of all service connections in the entire system that are nearest the water supply treatment facility, as measured by water transport time within the distribution system.

(51) “Noncommunity water system” means a public water system ~~which that~~ has at least fifteen (15) service connections used by nonresidents or ~~which~~ regularly serves twenty-five (25) or more nonresident individuals daily for at least sixty (60) days per year.

(52) “Nontransient noncommunity water system” or “NTNCWS” means a public water system that is not a ~~community water system~~ **CWS** that regularly serves the same twenty-five (25) or more persons at least six (6) months per year.

(53) “Optimal corrosion control treatment” means the corrosion control treatment that minimizes the lead and copper concentrations at users’ taps while ensuring that the treatment does not cause the water system to violate any national primary drinking water regulations for the purpose of sections 36 through 47 of this rule only.

(54) “Performance evaluation sample” or “PE sample” means a reference sample provided to a laboratory for the purpose of demonstrating that the laboratory can successfully analyze the sample within limits of performance specified by the administrator. The true value of the concentration of the

reference material is unknown to the laboratory at the time of the analysis.

(55) “Picocuri” or “pCi” means the quantity of radioactive material producing two and twenty-two hundredths (2.22) nuclear transformations per minute.

(56) “Point of disinfectant application” is the point where the disinfectant is applied and water downstream of that point is not subject to recontamination by surface water run-off.

(57) “Point-of-entry treatment device” or “POE” is a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in drinking water distributed throughout the house or building.

(58) “Point-of-use treatment device” or “POU” is a treatment device to a single tap used for the purpose of reducing contaminants in drinking water at that one (1) tap.

(59) “Primacy agency” is the department of environmental management where the department exercise primary enforcement responsibility as granted by EPA.

(60) “Public water system” means a public water supply for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen (15) service connections or regularly serves at least twenty-five (25) individuals daily at least sixty (60) days out of the year. ~~“Public water system”~~ **The term** includes any:

(A) collection, treatment, storage, and distribution facilities under control of the operator of such system, and used primarily in connection with such system; and ~~any~~

(B) collection or pretreatment storage facilities not under such control that are used primarily in connection with such system.

A public water system is either a ~~community water system~~ **CWS** or a noncommunity water system, as defined in subdivisions (8) and (51).

(61) “Rem” means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A millirem (mrem) is one-thousandth ($1/1,000$) of a rem.

(62) “Repeat compliance period” means any subsequent compliance period after the initial compliance period.

(63) “Residual disinfectant concentration” or “C in CT calculations” means the concentration of disinfectant measured in milligrams per liter in a representative sample of water.

(64) “Sanitary survey” means an on-site inspection of the water source, facilities, equipment, construction, and operation and maintenance of a public water system for the purpose of evaluating the adequacy of ~~such~~ **the** source, facilities, equipment, construction, and operation and maintenance for producing and distributing safe drinking water.

(65) “Sedimentation” means a process for removal of solids before filtration by gravity or separation.

(66) “Service line sample” means a one (1) liter sample of water collected in accordance with section 37(b)(3) of this rule that has been standing at least six (6) hours in a service line.

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(67) "Single family structure" means a building constructed as a single family residence that is currently being used as either a residence or a place of business for the purpose of sections 36 through 47 of this rule only.

(68) "Slow sand filtration" means a process involving passage of raw water through a bed of sand at low velocity (generally less than four-tenths (0.4) meter per hour or forty-five (45) to one hundred fifty (150) gallons per day per square foot) resulting in substantial particulate removal by physical and biological mechanisms.

(69) "Small water system" means a water system that serves three thousand three hundred (3,300) persons or fewer for the purpose of sections 36 through 47 of this rule only.

(70) "Standard sample" means the aliquot of finished drinking water that is examined for the presence of coliform bacteria.

(71) "Subpart H system" means a public water system using surface water or ground water under the direct influence of surface water as a source that is subject to the requirements of ~~327 IAC 8-2-6-1~~ **327 IAC 8-2.6**.

(72) "Supplier of water" means any person who owns ~~and/or~~ **or** operates, **or both**, a public water system.

(73) "Surface water" means all water occurring on the surface of the ground, including water in:

- (A) a stream;
- (B) natural and artificial lakes;
- (C) ponds;
- (D) swales;
- (E) marshes; and
- (F) diffused surface water.

(74) "SUVA" means specific ultraviolet absorption at two hundred fifty-four (254) nanometers, an indicator of the humic content of water. ~~It~~ **SUVA** is a calculated parameter obtained by dividing a sample's ultraviolet absorption at a wavelength of two hundred fifty-four (254) nanometers (UV_{254}) (in m^{-1}) by its concentration of dissolved organic carbon (DOC) (in milligrams per liter).

(75) "System with a single service connection" means a public water system ~~which that~~ supplies drinking water to consumers via a single service line.

(76) "Too numerous to count" means that the total number of bacterial colonies exceeds two hundred (200) on a forty-seven (47) millimeter diameter membrane filter used for coliform detection.

(77) "Total organic carbon" or "TOC" means total organic carbon in milligrams per liter, measured using:

- (A) heat;
- (B) oxygen;
- (C) ultraviolet irradiation;
- (D) chemical oxidants; or
- (E) combinations of these oxidants;

that convert organic carbon to carbon dioxide, rounded to two (2) significant figures.

(78) "Total trihalomethanes" or "TTHM" means the sum of the concentration in milligrams per liter of the trihalomethane compounds:

- (A) trichloromethane (chloroform);
- (B) dibromochloromethane;
- (C) bromodichloromethane; and
- (D) tribromomethane (bromoform);

rounded to two (2) significant figures.

(79) "Transient noncommunity water system" or "TWS" means a noncommunity water system that does not regularly serve at least twenty-five (25) of the same persons over six (6) months per year.

(80) "Trihalomethane" or "THM" means one (1) of the family of organic compounds, named as derivatives of methane, wherein three (3) of the four (4) hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure.

(81) "Uncovered finished water storage facility" means a tank, reservoir, or other facility open to the atmosphere that is used to store water that will undergo no further treatment except residual disinfection.

(82) "U.S. EPA" or "EPA" means the United States Environmental Protection Agency.

(83) "Virus" means a virus of fecal origin ~~which that~~ is infectious to humans by waterborne transmission.

(84) "Waterborne disease outbreak" means the significant occurrence of acute infectious illness epidemiologically associated with the ingestion of water from a public water system ~~which that~~ is deficient in treatment as determined by the commissioner.

¹Federal Register, Part II, 40 CFR 141, June 29, 1989, Volume 54, Number 124, pages 27532 through 27534. (*Water Pollution Control Board; 327 IAC 8-2-1; filed Sep 24, 1987, 3:00 p.m.: 11 IR 705; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1003; errata filed Jan 9, 1991, 2:30 p.m.: 14 IR 1070; errata filed Aug 6, 1991, 3:45 p.m.: 14 IR 2258; filed Apr 12, 1993, 11:00 a.m.: 16 IR 2151; filed Aug 24, 1994, 8:15 a.m.: 18 IR 19; errata filed Oct 11, 1994, 2:45 p.m.: 18 IR 531; filed Oct 24, 1997, 4:30 p.m.: 21 IR 932; filed Mar 6, 2000, 7:56 a.m.: 23 IR 1623; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1075; filed May 1, 2003, 12:00 p.m.: 26 IR 2808; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3184*)

SECTION 2. 327 IAC 8-2-4 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-4 Inorganic chemicals; maximum contaminant levels

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16
Affected: IC 13-18

Sec. 4. (a) The following MCLs for inorganic chemicals apply to all ~~community water systems, nontransient noncommunity water systems, CWSs, NTNCWSs, and transient noncommunity systems~~ **TWSs** except as provided in subsection (b):

Contaminant	Level in Milligrams Per Liter
Nitrate	10 (as nitrogen)
Nitrite	1 (as nitrogen)
Nitrate and nitrite	10 (as nitrogen)

(b) The commissioner may allow nitrate levels up to, but not to exceed, twenty (20) milligrams per liter in a noncommunity water system if the supplier of water meets all of the following conditions:

- (1) Such water will not be available to children under six (6) months of age.
- (2) There will be continuous posting of the fact that nitrate levels exceed ten (10) milligrams per liter and the potential health effects of exposure.
- (3) Local and state public health authorities shall be notified annually of nitrate levels that exceed ten (10) milligrams per liter.
- (4) No adverse health effects shall result.
- (5) The commissioner may require additional notice to the public as provided by 327 IAC 8-2.1-14.

(c) The following MCL for fluoride applies to all ~~community water systems~~ **CWSs**:

Contaminant	Level in Milligrams Per Liter
Fluoride	4.0

(d) The following MCLs for inorganic chemicals apply to all ~~community water systems~~ **CWSs** and ~~nontransient noncommunity water systems~~ **NTNCWSs**:

Contaminant	Level in Milligrams Per Liter Except Asbestos
Antimony	0.006
Arsenic	0.05 0.010 ¹
Asbestos	7 (MFL) ⁺²
Barium	2
Beryllium	0.004
Cadmium	0.005
Chromium	0.1
Cyanide (free)	0.2
Mercury	0.002
Selenium	0.05
Thallium	0.002

¹**Effective January 1, 2006. Until then, the arsenic MCL is 0.05 mg/l.**

⁺²MFL = million fibers per liter greater than ten (10) micrometers.

(e) For the inorganic chemicals listed in this section and nickel, the monitoring frequency is specified in section 4.1 of this rule and analytical methods are specified in section 4.2 of this rule.

(f) The commissioner hereby identifies the following as the ~~best available technology~~, **BAT**, treatment technique, or other

means available for achieving compliance with the MCLs for inorganic contaminants identified in subsections (a), (c), and (d), except fluoride:

BAT for Inorganic Chemicals Listed in This Section

Chemical Name	BATs
Antimony	2,7
Arsenic⁴	1, 2, 5, 6, 7, 9, 12⁵
Asbestos	2,3,8
Barium	5,6,7,9
Beryllium	1,2,5,6,7
Cadmium	2,5,6,7
Chromium	2,5,6 ² ,7
Cyanide	5,7,10
Mercury	2 ¹ ,4,6 ¹ ,7 ¹
Nitrate	5,7,9
Nitrite	5,7
Selenium	1,2 ³ ,6,7,9
Thallium	1,5

¹BAT only if influent mercury concentrations less than ten (10) micrograms per liter.

²BAT for Chromium III only.

³BAT for Selenium IV only.

⁴**BATs for Arsenic V. Preoxidation may be required to convert Arsenic III to Arsenic V. Arsenic BATs apply beginning January 1, 2006.**

⁵**To obtain high removals, iron to arsenic ratio must be at least 20:1.**

Key to BATs in Table

1 = Activated alumina

2 = Coagulation/filtration (**not BAT for systems < 500 service connections**)

3 = Direct and diatomite filtration

4 = Granular activated carbon

5 = Ion exchange

6 = Lime softening (**not BAT for systems < 500 service connections**)

7 = Reverse osmosis

8 = Corrosion control

9 = Electrodialysis

10 = Chlorine

11 = Ultraviolet

12 = Oxidation/filtration

(g) The commissioner, pursuant to Section 1412 of the Act, hereby identifies in the following table the affordable technology, treatment technique, or other means available to systems serving ten thousand (10,000) persons or fewer for achieving compliance with the MCL for arsenic that will be applicable beginning January 1, 2006:

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Small System Compliance Technologies (SSCTs)¹ for Arsenic²

Small system compliance technology	Affordable for listed small system categories ³
Activated alumina (centralized)	All size categories
Activated alumina (point-of-use) ⁴	All size categories
Coagulation/filtration ⁵	501-3,300, 3,301-10,000
Coagulation-assisted microfiltration	501-3,300, 3,301-10,000
Electrodialysis reversal ⁶	501-3,300, 3,301-10,000
Enhanced coagulation/filtration	All size categories
Enhanced lime softening (pH > 10.5)	All size categories
Ion exchange	All size categories
Lime softening ⁵	501-3,300, 3,301-10,000
Oxidation/filtration ⁷	All size categories
Reverse osmosis (centralized) ⁶	501-3,300, 3,301-10,000
Reverse osmosis (point-of-use) ⁴	All size categories

¹Section 1412(b)(4)(E)(ii) of the Act specifies that SSCTs must be affordable and technically feasible for small systems.

²SSCTs for Arsenic V. Preoxidation may be required to convert Arsenic III to Arsenic V.

³The Act (ibid.) specifies three (3) categories of small systems as follows:

- (A) Those serving twenty-five (25) or more, but fewer than five hundred one (501).
- (B) Those serving more than five hundred (500), but fewer than three thousand three hundred one (3,301).
- (C) Those serving more than three thousand three hundred (3,300), but fewer than ten thousand one (10,001).

⁴When POU or POE devices are used for compliance, programs to ensure proper long term operation, maintenance, and monitoring must be provided by the water system to ensure adequate performance.

⁵Unlikely to be installed solely for arsenic removal. May require pH adjustment to optimal range if high removals are needed.

⁶Technologies reject a large volume of water; may not be appropriate for areas where water quantity may be an issue.

⁷To obtain high removals, iron to arsenic ratio must be at least 20:1.

(Water Pollution Control Board; 327 IAC 8-2-4; filed Sep 24, 1987, 3:00 p.m.: 11 IR 706; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1006; filed Aug 24, 1994, 8:15 a.m.: 18 IR 22; filed Aug 25, 1997, 8:00 a.m.: 21 IR 34; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1079; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3188)

SECTION 3. 327 IAC 8-2-4.1 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-4.1 Collection of samples for inorganic chemical testing

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16
Affected: IC 13-18

Sec. 4.1. (a) ~~Community water systems~~ CWSs shall conduct monitoring to determine compliance with the MCLs specified in section 4(a), 4(c), and 4(d) of this rule in accordance with this section. ~~Nontransient noncommunity water systems~~ NTNCWSs shall conduct monitoring to determine compliance with the MCLs specified in section 4(a) and 4(d) of this rule in accordance with this section. ~~Transient noncommunity water systems~~ TWSs shall conduct monitoring to determine compliance with the MCLs specified in section 4(a) of this rule in accordance with this section.

(b) When a contaminant listed in section 4 of this rule exceeds the MCL, the supplier of water shall report to the commissioner under section 13 of this rule and shall give notice to the public under 327 IAC 8-2.1-7 through 327 IAC 8-2.1-16. Monitoring after public notification shall be at a frequency designated by the commissioner and shall continue until the MCL has not been exceeded in two (2) successive samples or until a monitoring schedule as a condition to an enforcement action shall become effective.

(c) Monitoring shall be conducted as follows:

- (1) Ground water systems shall take a minimum of one (1) sample at every entry point to the distribution system ~~which~~ **that** is representative of each well after treatment (hereafter called a sampling point) beginning in the compliance period starting January 1, 1993. The system shall take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.
- (2) Surface water systems, including systems with a combination of surface and ground sources, shall take a minimum of one (1) sample at every entry point to the distribution system after any application of treatment or in the distribution system at a point ~~which~~ **that** is representative of each source after treatment (hereafter called a sampling point) beginning in the compliance period beginning January 1, 1993. The system shall take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.
- (3) If a system draws water from more than one (1) source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions, for example, when water is representative of all sources being used.
- (4) The commissioner may reduce the total number of samples

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which that must be analyzed by allowing the use of compositing. Composite samples from a maximum of five (5) samples are allowed, provided that the detection limit of the method used for analysis is less than one-fifth ($1/5$) of the MCL. Compositing of samples must be completed in the laboratory as follows:

(A) When a composite sample is analyzed, if the concentration in the composite sample is greater than or equal to one-

fifth ($1/5$) of the MCL of any inorganic chemical, then a follow-up sample must be analyzed within fourteen (14) days at each sampling point included in the composite. These samples must be analyzed for the contaminants which that exceeded one-fifth ($1/5$) of the MCL in the composite sample. Detection limits for each analytical method and MCLs for each inorganic contaminant are the following:

Contaminant	MCL (mg/l)	Methodology	Detection Limit (mg/l)
Antimony	0.006	Atomic absorption; furnace	0.003
		Atomic absorption; platform	0.0008 ⁵
		ICP-mass spectrometry	0.0004
		Hydride-atomic absorption	0.001
Arsenic	0.010⁶	Atomic absorption; furnace	0.001
		Atomic absorption; platform - stabilized temperature	0.0005⁷
		Atomic absorption; gaseous hydride	0.001
		ICP-mass spectrometry	0.0014⁸
Asbestos	7 MFL ¹	Transmission electron microscopy	0.01 MFL
Barium	2	Atomic absorption; furnace	0.002
		Atomic absorption; direct aspiration	0.1
		Inductively coupled plasma	0.002 (0.001)
Beryllium	0.004	Atomic absorption; furnace	0.0002
		Atomic absorption; platform	0.00002 ⁵
		Inductively coupled plasma ²	0.0003
		ICP-mass spectrometry	0.0003
Cadmium	0.005	Atomic absorption; furnace	0.0001
		Inductively coupled plasma	0.001
Chromium	0.1	Atomic absorption; furnace	0.001
		Inductively coupled plasma	0.007 (0.001)
Cyanide	0.2	Distillation, spectrophotometric ³	0.02
		Distillation, automated spectrophotometric ³	0.005
		Distillation, selective electrode ³	0.05
		Distillation, amenable, spectrophotometric ⁴	0.02
Fluoride	4.0	Colorimetric SPADNS; with distillation	0.1
		Potentiometric ion selective electrode	0.1
		Automated alizarin fluoride blue; with distillation (complexone)	0.05
		Automated ion selective electrode	0.1
Mercury	0.002	Manual cold vapor technique	0.0002
		Automated cold vapor technique	0.0002
Nitrate	10 (as N)	Manual cadmium reduction	0.01
		Automated hydrazine reduction	0.01
		Automated cadmium reduction	0.05
		Ion selective electrode	1
		Ion chromatography	0.01
Nitrite	1 (as N)	Spectrophotometric	0.01
		Automated cadmium reduction	0.05
		Manual cadmium reduction	0.01
		Ion chromatography	0.004

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Selenium	0.05	Atomic absorption; furnace Atomic absorption; gaseous hydride	0.002 0.002
Thallium	0.002	Atomic absorption; furnace Atomic absorption; platform ICP-mass spectrometry	0.001 0.0007 ⁵ 0.0003

¹MFL = million fibers per liter greater than ten (10) micrometers.

²Using a 2 × preconcentration step as noted in Method 200.7. Lower method detection limits may be achieved when using a 4 × preconcentration.

³Screening method for total cyanides.

⁴Measures “free” cyanides.

⁵Lower method detection limits are reported using stabilized temperature graphite furnace atomic absorption.

⁶The value for arsenic is effective January 1, 2006. Until then, the MCL is 0.05 mg/l.

⁷The MDL reported for EPA Method 200.9 (Atomic Absorption; Platform - Stabilized Temperature) was determined using a 2× concentration step during sample digestion. The MDL determined for samples analyzed using direct analyses, that is, no sample digestion, will be higher. Using multiple depositions, EPA 200.9 is capable of obtaining MDL of 0.0001 mg/l.

⁸Using selective ion monitoring, EPA Method 200.8 (ICP-MS) is capable of obtaining an MDL of 0.0001 mg/l.

(B) If the population served by the system is greater than three thousand three hundred (3,300) persons, then compositing may only be permitted by the commissioner at sampling points within a single system. In systems serving ~~less fewer~~ than or equal to three thousand three hundred (3,300) persons, the commissioner may permit compositing among different systems provided the five (5) sample limit is maintained.

(C) If duplicates of the original sample taken from each sampling point used in the composite sample are available, the system may use these instead of resampling. The duplicate must be analyzed and the results reported to the commissioner within fourteen (14) days after completing analysis of the composite sample, provided the holding time of the sample is not exceeded.

(5) The frequency of monitoring for:

- (A) asbestos shall be in accordance with subsection (d);
- (B) antimony, **arsenic**, barium, beryllium, cadmium, chromium, cyanide, fluoride, nickel, mercury, selenium, and thallium shall be in accordance with subsection (e);
- (C) nitrate shall be in accordance with subsection (f); **and**
- (D) nitrite shall be in accordance with subsection (g). **and**
- ~~(E) arsenic shall be in accordance with subsection (f).~~

(d) The frequency of monitoring conducted to determine compliance with the MCL for asbestos specified in section 4(d) of this rule shall be conducted as follows:

(1) Each ~~community CWS and nontransient noncommunity water system~~ NTNCWS is required to monitor for asbestos during the first three (3) year compliance period of each nine (9) year compliance cycle beginning in the compliance period starting January 1, 1993.

(2) If the system believes it is not vulnerable to either asbestos contamination in its source water or due to corrosion of asbestos-cement pipe, or both, it may apply to the commissioner for a waiver of the monitoring requirement in subdivision (1). If the commissioner grants the waiver, the system is not required to monitor.

(3) The commissioner may grant a waiver based upon a consideration of the following factors:

- (A) Potential asbestos contamination of the water source.
- (B) The use of asbestos-cement pipe for finished water distribution and the corrosive nature of the water.

(4) A waiver remains in effect for the initial monitoring of the first three (3) year compliance period. Systems not receiving a waiver must monitor in accordance with ~~the provisions of~~ subdivision (1).

(5) A system vulnerable to asbestos contamination due solely to corrosion of asbestos-cement pipe shall take one (1) sample at a tap served by asbestos-cement pipe and under conditions where asbestos contamination is most likely to occur.

(6) A system vulnerable to asbestos contamination due solely to source water shall monitor in accordance with ~~the provision of~~ subsection (c).

(7) A system vulnerable to asbestos contamination due both to its source water supply and corrosion of asbestos-cement pipe shall take one (1) sample at a tap served by asbestos-cement pipe and under conditions where asbestos contamination is most likely to occur.

(8) A system ~~which that~~ exceeds the MCLs as determined in section 4 of this rule shall monitor quarterly beginning in the next quarter after the violation occurred.

(9) The commissioner may decrease the quarterly monitoring requirement to the frequency specified in subdivision (1) provided the commissioner has determined that the system is reliably and consistently below the MCL. In no case can the commissioner make this determination unless a ground water system takes a minimum of two (2) quarterly samples and a surface (or combined surface/ground) water system takes a minimum of four (4) quarterly samples.

(10) If monitoring data collected after January 1, 1990, are generally consistent with ~~the requirements of~~ this subsection, then the commissioner may allow systems to use that data to satisfy the monitoring requirement for the initial compliance period beginning January 1, 1993.

(e) The frequency of monitoring conducted for nickel and to determine compliance with the MCLs in section 4 of this rule for antimony, **arsenic**, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, selenium, and thallium shall be as follows:

- (1) Ground water systems shall take one (1) sample at each sampling point during each compliance period. Surface water systems (or combined surface/ground) shall take one (1) sample annually at each sampling point.
- (2) The system may apply to the commissioner for a waiver from the monitoring frequencies specified in subdivision (1).
- (3) A condition of the waiver shall require that a system take a minimum of one (1) sample while the waiver is effective. The term during which the waiver is effective shall not exceed one (1) compliance cycle, which is nine (9) years.
- (4) The commissioner may grant a waiver provided surface water systems have monitored annually for at least three (3) years and ground water systems have conducted a minimum of three (3) rounds of monitoring. (At least one (1) sample shall have been taken since January 1, 1990.) Both surface and ground water systems shall demonstrate that all previous analytical results were less than the ~~maximum contaminant level~~: **MCL**. Systems that use a new water source are not eligible for a waiver until three (3) rounds of monitoring from the new source have been completed. The commissioner may grant a public water system a waiver for monitoring of cyanide, provided that the commissioner determines that the system is not vulnerable due to lack of any industrial source of cyanide.
- (5) In determining the appropriate reduced monitoring frequency, the commissioner shall consider the following:
 - (A) Reported concentrations from all previous monitoring.
 - (B) The degree of variation in reported concentrations.
 - (C) Other factors ~~which that~~ may affect contaminant concentrations such as **changes in**:
 - (i) ~~changes in~~ ground water pumping rates;
 - (ii) ~~changes in~~ the system's configuration;
 - (iii) ~~changes in~~ the system's operating procedures; or
 - (iv) ~~changes in~~ stream flows or characteristics.
- (6) A decision by the commissioner to grant a waiver shall be made in writing and shall set forth the basis for the determination. The determination may be initiated by the commissioner or upon an application by the public water system. The public water system shall specify the basis for its request. The commissioner shall review and, where appropriate, revise the determination of the appropriate monitoring frequency when the system submits new monitoring data or when other data relevant to the system's appropriate monitoring frequency becomes available.
- (7) Systems ~~which that~~ exceed the MCLs as calculated in subsection (k) shall monitor quarterly beginning in the next quarter after the violation occurred.
- (8) The commissioner may decrease the quarterly monitoring requirement to the frequencies specified in subdivisions (1) and (2) provided it has determined that the system is reliably

and consistently below the MCL. In no case can the commissioner make this determination unless a ground water system takes a minimum of two (2) quarterly samples and a surface water system takes a minimum of four (4) quarterly samples. **(9) All new systems or systems that use a new source of water that begin operation after January 1, 2004, must demonstrate compliance with the MCL within a period of time specified by the commissioner. The system must also comply with the initial sampling frequencies specified by the commissioner to ensure a system can demonstrate compliance with the MCL. Routine and increased monitoring frequencies shall be conducted in accordance with this section.**

(f) All public water systems (~~community, nontransient noncommunity, (CWSs, NTNCWSs, and transient noncommunity systems) TWSs~~) shall monitor to determine compliance with the MCL for nitrate in section 4(a) of this rule under the following monitoring schedules:

- (1) ~~Community CWSs and nontransient noncommunity water systems NTNCWSs~~ served by ground water systems shall monitor annually beginning January 1, 1993; systems served by surface water shall monitor quarterly beginning January 1, 1993.
- (2) For ~~community CWSs and nontransient noncommunity water systems, NTNCWSs~~, the repeat monitoring frequency for ground water systems shall be quarterly for at least one (1) year following any one (1) sample in which the concentration is greater than or equal to fifty percent (50%) of the MCL. The commissioner may allow a ground water system to reduce the sampling frequency to annually after four (4) consecutive quarterly samples are reliably and consistently less than the MCL.
- (3) For ~~community CWSs and nontransient noncommunity water systems, NTNCWSs~~, the commissioner may allow a surface water system to reduce the sampling frequency to annually if all analytical results from four (4) consecutive quarters are less than fifty percent (50%) of the MCL. A surface water system shall return to quarterly monitoring if any one (1) sample is greater than or equal to fifty percent (50%) of the MCL.
- (4) Each ~~transient noncommunity water system TWS~~ shall monitor annually beginning January 1, 1993.
- (5) After the initial round of quarterly sampling is completed, each ~~community CWS and nontransient noncommunity system which NTNCWS that~~ is monitoring annually shall take subsequent samples during the quarter ~~which that~~ previously resulted in the highest analytical result.

(g) All public water systems (~~community, nontransient noncommunity, (CWSs, NTNCWSs, and transient noncommunity systems) TWSs~~) shall monitor to determine compliance with the MCL for nitrite in section 4(a) of this rule under the following monitoring schedules:

- (1) All public water systems shall take one (1) sample at each sampling point in the compliance period beginning January 1, 1993, and ending December 31, 1995.

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(2) After the initial sample, systems where an analytical result for nitrite is less than fifty percent (50%) of the MCL shall monitor at the frequency specified by the commissioner.

(3) For ~~community, nontransient noncommunity, CWSs, NTNCWSs, and transient noncommunity water systems,~~ **TWSs**, the repeat monitoring frequency for any water system shall be quarterly for at least one (1) year following any one (1) sample in which the concentration is greater than or equal to fifty percent (50%) of the MCL. The commissioner may allow a system to reduce the sampling frequency from quarterly to annually after determining the system is reliably and consistently less than the MCL.

(4) Systems **which that** are monitoring annually shall take each subsequent sample during the quarter **which that** previously resulted in the highest analytical result.

(h) Confirmation sampling shall be as follows:

(1) Where the results of sampling for:

- (A) antimony;
- (B) arsenic;**
- (C) asbestos;
- (D) barium;
- (E) beryllium;
- (F) cadmium;
- (G) chromium;
- (H) cyanide;
- (I) fluoride;
- (J) mercury;
- (K) selenium; or
- (L) thallium;

indicate the MCL has been exceeded, the commissioner may require that one (1) additional sample be collected as soon as possible after the initial sample was taken (but not to exceed two (2) weeks) at the same sampling point.

(2) Where nitrate or nitrite sampling results indicate the MCL has been exceeded, the system shall take a confirmation sample within twenty-four (24) hours of the system's receipt of notification of the analytical results of the first sample. Systems unable to comply with the twenty-four (24) hour sampling requirement must immediately notify the consumers served by the public water system in accordance with 327 IAC 8-2.1-7 through 327 IAC 8-2.1-16. Systems exercising this option must take and analyze a confirmation sample within two (2) weeks of notification of the analytical results of the first sample.

(3) If a commissioner-required confirmation sample is taken for any contaminant, the results of the initial and confirmation sample shall be averaged. The resulting average shall be used to determine the system's compliance in accordance with subsection (k). The commissioner has the discretion to delete results of obvious sampling errors.

(i) The commissioner may require:

(1) more frequent monitoring than specified in subsections (d) through (g); or **may require**

(2) confirmation samples;
for positive and negative results.

(j) Systems may apply to the commissioner to conduct more frequent monitoring than the minimum monitoring frequencies specified in this section.

(k) Compliance with section 4 of this rule shall be determined based on the analytical results obtained at each sampling point in the following manner:

(1) For systems **which that** are conducting monitoring at a frequency greater than annual, compliance with the MCLs for:

- (A) antimony;
- (B) arsenic;**
- (C) asbestos;
- (D) barium;
- (E) beryllium;
- (F) cadmium;
- (G) chromium;
- (H) cyanide;
- (I) fluoride;
- (J) mercury;
- (K) selenium; or
- (L) thallium;

is determined by a running annual average at each sampling point. If the average at any sampling point is greater than the MCL, then the system is out of compliance. If any one (1) sample would cause the annual average to be exceeded, then the system is out of compliance immediately. Any sample below the method detection limit shall be calculated at zero (0) for the purpose of determining the annual average. **If a system fails to collect the required number of samples, compliance (average concentration) will be based on the total number of samples collected.**

(2) For systems **which that** are monitoring annually, or less frequently, the system is out of compliance with the MCLs for:

- (A) antimony;
- (B) arsenic;**
- (C) asbestos;
- (D) barium;
- (E) beryllium;
- (F) cadmium;
- (G) chromium;
- (H) cyanide;
- (I) fluoride;
- (J) mercury;
- (K) selenium; or
- (L) thallium;

if the level of a contaminant at any sampling point is greater than the MCL. If a confirmation sample is required by the commissioner, the determination of compliance will be based on the **annual** average of the ~~two~~ **(2) initial MCL exceedance and any commissioner-required confirmation samples. If a system fails to collect the required number of**

samples, compliance (average concentration) will be based on the total number of samples collected.

(3) Compliance with the MCLs for nitrate and nitrite is determined based on one (1) sample if the levels of these contaminants are below the MCLs. If the levels of nitrate or nitrite, or both, exceed the MCLs in the initial sample, a confirmation sample is required in accordance with subsection (h)(2), and compliance shall be determined based upon the average of the initial and confirmation samples.

(4) If a public water system has a distribution system separable from other parts of the distribution system with no interconnections, the commissioner may allow the system to give public notice to only the area served by that portion of the system which that is out of compliance.

(5) Beginning January 1, 2006, arsenic sampling results will be reported to the nearest one-thousandth (0.001) mg/l.

(f) The frequency of monitoring conducted to determine compliance with the MCL for arsenic shall be as follows:

(1) Analyses for all community water systems utilizing surface water sources shall be sampled annually.

(2) Analyses for all community water systems utilizing only ground water sources shall be repeated at three (3) year intervals.

(3) The commissioner has the authority to determine compliance or initiate enforcement action based on analytical results.

(4) If the result of an analysis conducted as required in this section indicates that the results exceed the MCL as determined in section 4 of this rule, the supplier of water shall report to the state within seven (7) days and initiate three (3) additional analyses at the same sampling point within one (1) month.

(5) When the average of four (4) analyses made pursuant to this section, rounded to the same number of significant figures as the MCL for the arsenic, exceeds the MCL, the supplier of water shall notify the commissioner and give notice to the public under section 16 of this rule. Monitoring after public notification shall be at a frequency set by the commissioner and shall continue until the MCL has not been exceeded in two (2) consecutive samples or until a monitoring schedule as a condition to an enforcement action shall become effective.

(m) (l) Each public water system shall monitor at the time designated by the commissioner during each compliance period.

(n) (m) Sample collection for:

- (1) antimony;
- (2) **arsenic;**
- (3) asbestos;
- (4) barium;
- (5) beryllium;
- (6) cadmium;
- (7) chromium;
- (8) cyanide;
- (9) fluoride;

- (10) mercury;
- (11) nickel;
- (12) nitrate;
- (13) nitrite;
- (14) selenium; and
- (15) thallium;

under this section shall be conducted using the sample preservation, container, and maximum holding time procedures specified in the following table:

<u>Contaminant</u>	<u>Preservative³</u>	<u>Container¹</u>	<u>Time²</u>
Antimony	HNO ₃	P or G	6 months
Arsenic	HNO₃	P or G	6 months
Asbestos	4°C	P or G	48 hours ⁴
Barium	HNO ₃	P or G	6 months
Beryllium	HNO ₃	P or G	6 months
Cadmium	HNO ₃	P or G	6 months
Chromium	HNO ₃	P or G	6 months
Cyanide	4°C, NaOH	P or G	14 days
Fluoride	none	P or G	1 month
Mercury	HNO ₃	P or G	28 days
Nickel	HNO ₃	P or G	6 months
Nitrate	4°C	P or G	48 hours ⁵
Nitrate-nitrite ⁶	H ₂ SO ₄	P or G	28 days
Nitrite	4°C	P or G	48 hours
Selenium	HNO ₃	P or G	6 months
Thallium	HNO ₃	P or G	6 months

¹P = Plastic, hard or soft; G = glass.

²In all cases, samples should be analyzed as soon after collection as possible. Follow additional (if any) information on preservation, containers, or holding times that is specified in method.

³When indicated, samples must be acidified at the time of collection to pH < 2 with concentrated acid or adjusted with sodium hydroxide to pH > 12. When chilling is indicated the sample must be shipped and stored at four (4) degrees Celsius or less.

⁴Instructions for containers, preservation procedures, and holding times as specified in Method 100.2 must be adhered to for all compliance analyses including those conducted with Method 100.1.

⁵If the sample is chlorinated, the holding time for an unacidified sample kept at four (4) degrees Celsius is extended to fourteen (14) days.

⁶Nitrate-nitrite refers to a measurement of total nitrate. (Water Pollution Control Board; 327 IAC 8-2-4.1; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1007; filed Aug 24, 1994, 8:15 a.m.: 18 IR 23; filed Aug 25, 1997, 8:00 a.m.: 21 IR 34; errata filed Dec 10, 1997, 3:45 p.m.: 21 IR 1347; filed Jul 23, 2001, 1:02 p.m.: 24 IR 3946; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1080; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3190)

SECTION 4. 327 IAC 8-2-4.2 IS AMENDED TO READ AS FOLLOWS:

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327 IAC 8-2-4.2 Analytical methods for inorganic chemical testing

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16
Affected: IC 13-11-2; IC 13-14-8; IC 13-18-1; IC 13-18-2

Sec. 4.2. (a) Analyses conducted to determine compliance with section 4 of this rule shall be made in accordance with one (1) of the following methods* for each contaminant:

(1) Antimony as follows:

- (A) Atomic absorption¹; furnace, Method 3113B*.
- (B) Atomic absorption; platform, Method 200.9*.
- (C) ICP-mass spectrometry, Method 200.8*.
- (D) Hydride-atomic absorption, Method D-3697-92*.

(2) Arsenic* as follows:

- (A) Atomic absorption; furnace, Method ~~D-2972-93C*~~ **D 2972-97C*** or Method 3113B*.
- (B) Hydride-atomic adsorption, Method ~~D-2972-93B*~~ **D 2972-97B*** or Method 3114B*.
- (C) Atomic absorption, platform¹, Method 200.9²*.
- (D) Inductively coupled plasma technique¹*, Method 200.7^{2,3}* or Method 3120B³*.
- (E) ICP-mass spectrometry, Method 200.8²*.

(3) Asbestos, transmission electron microscopy, Method 100.1* or Method 100.2*.

(4) Barium as follows:

- (A) Atomic absorption; furnace, Method 3113B*.
- (B) Atomic absorption; direct, Method 3111D*.
- (C) Inductively coupled plasma, Method 200.7* or Method 3120B*.
- (D) ICP-mass spectrometry, Method 200.8*.

(5) Beryllium as follows:

- (A) Atomic absorption; furnace, Method ~~D-3645-93B D 3645-97B~~ or Method 3113B.
- (B) Atomic absorption; platform, Method 200.9*.
- (C) Inductively coupled plasma, Method 200.7* or Method 3120B*.
- (D) ICP-mass spectrometry, Method 200.8.

(6) Cadmium as follows:

- (A) Atomic absorption; furnace, Method 3113B*.
- (B) Inductively coupled plasma¹, Method 200.7*.
- (C) ICP-mass spectrometry, Method 200.8*.
- (D) Atomic absorption; platform, Method 200.9*.

(7) Chromium as follows:

- (A) Atomic absorption; furnace, Method 3113B*.
- (B) Inductively coupled plasma, Method 200.7* or Method 3120B*.
- (C) ICP-mass spectrometry, Method 200.8*.
- (D) Atomic absorption; platform, Method 200.9*.

(8) Cyanide as follows:

- (A) Manual distillation followed by:
 - (i) Spectrophotometric; amenable, Method ~~D-2036-91B*~~ **D 2036-98B*** or Method 4500-CN-G*.
 - (ii) Spectrophotometric; manual, Method ~~D-2036-91A*~~ **D 2036-98A***, Method 4500-CN-E*, or Method I-3300-85*.
- (iii) Spectrophotometric; semiautomated, Method 335.4*.

(iv) Method 4500-CN-C*.

(v) Method ~~D-2036-91A*~~ **D 2036-98A***.

(B) Selective electrode, Method 4500-CN-F*.

(C) UV/Distillation/Spectrophotometric; Method Kelada 01.

(D) Distillation/Spectrophotometric; Method QuikChem 10-204-00-1-X.

(9) Fluoride as follows:

- (A) Ion chromatography, Method 300.0*, Method ~~D-4327-91*~~ **D 4327-97***, or Method 4110B*.
- (B) Manual distillation; color. SPADNS, Method 4500FB, D*.
- (C) Manual electrode, Method D 1179-93B* or Method 4500FC*.
- (D) Automated electrode, Method 380-75WE*.
- (E) Automated alizarin, Method 4500FE* or Method 129-71W*.

(10) Mercury as follows:

- (A) Manual cold vapor, Method 245.1, Method D 3223-91*, or Method 3112B*.
- (B) Automated cold vapor, Method 245.2*.
- (C) ICP-mass spectrometry, Method 200.8*.

(11) Nickel as follows:

- (A) Atomic absorption; furnace, Method 3113B*.
- (B) Atomic absorption; platform, Method 200.9.
- (C) Atomic absorption; direct, Method 3111B*.
- (D) Inductively coupled plasma, Method 200.7*, Method 3120B*.
- (E) ICP-mass spectrometry, Method 200.8*.

(12) Nitrate as follows:

- (A) Manual cadmium reduction, Method D 3867-90B* or Method 4500-NO₃-E*.
- (B) Automated cadmium reduction, Method 353.2*, Method D 3867-90A*, or Method 4500-NO₃-F*.
- (C) Ion selective electrode, Method 4500-NO₃-D* or Method 601*.
- (D) Ion chromatography, Method 300.0*, Method ~~D-4327-91*~~ **D 4327-97***, Method 4110B*, or Method B-1011*.

(13) Nitrite as follows:

- (A) Ion chromatography, Method 300.0*, Method ~~D-4327-91*~~ **D 4327-97***, Method 4110B*, or Method B-1011*.
- (B) Automated cadmium reduction, Method 353.2*, Method D 3867-90A*, or Method 4500-NO₃-F*.
- (C) Manual cadmium reduction, Method D 3867-90B* or Method 4500-NO₃-E*.
- (D) Spectrophotometric, Method 4500-NO₂-B*.

(14) Selenium as follows:

- (A) Hydride-atomic absorption, Method ~~D-3859-93A*~~ **D 3859-98A*** or Method 3114B*.
- (B) ICP-mass spectrophotometry, Method 200.8*.
- (C) Atomic absorption; platform, Method 200.9*.
- (D) Atomic absorption; furnace, Method ~~D-3859-93B*~~ **D 3859-98B*** or Method 3113B*.

(15) Thallium as follows:

- (A) Atomic absorption; platform¹, Method 200.9*.
- (B) ICP-mass spectrometry, Method 200.8*.

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¹Because MDLs reported in EPA Methods 200.7 and 200.9 were determined using a 2× preconcentration step during sample digestion, MDLs determined when samples are analyzed by direct analysis, that is, no sample digestion, will be higher. For direct analysis of cadmium and arsenic by Method 200.7 and arsenic by Method 3120 B, sample preconcentration using pneumatic nebulization may be required to achieve lower detection limits. Preconcentration may also be required for direct analysis of antimony and thallium by Method 200.9 and antimony by Method 3113 B unless multiple in-furnace depositions are made.

²If ultrasonic nebulization is used in the determination of arsenic by Method 200.7, 200.8, or 3120 B, the arsenic must be in the pentavalent state to provide uniform signal response. For Methods 200.7 and 3120 B, both samples and standards must be diluted in the same mixed acid matrix concentration of nitric and hydrochloric acid with the addition of one hundred (100) µL of thirty percent (30%) hydrogen peroxide per one hundred (100) ml of solution. For direct analysis of arsenic with Method 200.8 using ultrasonic nebulization, samples and standards must contain one (1) mg/l of sodium hypochlorite.

³After January 1, 2006, analytical methods using the ICP-AES technology when analyzing for arsenic may not be used because the detection limits for these methods are eight-thousandths (0.008) mg/l or higher. This restriction means that the two (2) ICP-AES methods (Methods 200.7 and 3120 B) approved for use for the MCL of five-hundredths (0.05) mg/l may not be used for compliance determinations for the revised MCL of ten-thousandths (0.010) mg/l. However, prior to 2005, a system may have compliance samples analyzed with these less sensitive methods.

(b) Analysis under this section shall only be conducted by laboratories that have been certified by EPA or the commissioner. Laboratories may conduct sample analyses under provisional certification until January 1, 1996. To receive certification to conduct analyses for antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate, nitrite, selenium, and thallium, the laboratory must do the following:

(1) Successfully analyze performance evaluation (PE) samples PE samples provided by EPA, the commissioner, or by a third party with approval of the EPA or the commissioner, at least once a year.

(2) For each contaminant that has been included in the PE sample and for each method for which the laboratory desires certification achieve quantitative results on the analyses that are within the following acceptance limits:

Contaminant	Acceptance Limit
Antimony	±30% at ≥0.006 mg/l
Arsenic ¹	2 standard deviations based on study statistics ± 30% at ≥ 0.003 mg/l
Asbestos	2 standard deviations based on study statistics
Barium	±15% at ≥0.15 mg/l

Beryllium	±15% at ≥0.001 mg/l
Cadmium	±20% at ≥0.002 mg/l
Chromium	±15% at ≥0.01 mg/l
Cyanide	±25% at ≥0.1 mg/l
Fluoride	±10% at ≥1 to 10 mg/l
Mercury	±30% at ≥0.0005 mg/l
Nickel	±15% at ≥0.01 mg/l
Nitrate	±10% at ≥0.4 mg/l
Nitrite	±15% at ≥0.4 mg/l
Selenium	±20% at ≥0.01 mg/l
Thallium	±30% at ≥0.002 mg/l

¹Acceptance limit effective January 1, 2006. Until then, limit should be two (2) standard deviations based on study statistics.

*Methods referenced in this section may be obtained as follows:

(1) Method 245.2, “Methods for Chemical Analysis of Water and Wastes”, EPA-600/4-79-020, March 1983, available at NTIS, PB84-128677.

(2) Methods 200.8, 200.9, 200.7, and 245.1 may be found in “Methods for the Determination of Metals in Environmental Samples—Supplement I”, EPA-600/94-111, May 1994, available from NTIS, PB95-125472, 800-553-6847.

(3) Methods D-3697-92, ~~D-2972-93C, D-2972-93B, D-3645-93B, D-2036-91B, D-2036-91A, D-4327-91, D1179-93B, D3223-91, D3867-90A, D3867-90B, D3859-93A, and D3859-93B~~, may be found in “Annual Book of ASTM Standards”, 1994 and 1996, Vols. 11.01 and 11.02, American Society for Testing and Materials, available from the American Society for Testing and Materials, ~~1916 Race Street, Philadelphia, 19103~~ **100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428. Any year containing the cited version of the method may be used.**

(4) ~~Methods D 2972-97C, D 2972-97B, D 3645-97B, D 2036-98A, D 2036-98B, D 4327-97, D 3859-98A, and D 3859-98B~~ may be found in the “Annual Book of ASTM Standards, 1999, Vols. 11.01 and 11.02, American Society for Testing and Materials, available from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428. Any year containing the cited version of the method may be used.

(5) ~~Methods 3113B, 3120B, 3114B, 3111D, 4500-CN⁺C, 4500-CN⁺G, 4500-CN⁺E, 4500-CN⁺F, 4110B, 4500F⁺B, D, 4500F⁺C, 4500F⁺E, 3112B, and 3111B 4500-NO₃⁻F, 4500-NO₃⁻D, 4500-NO₃⁻E, and 4500-NO₂⁻B~~ may be found in “18th Edition of Standard Methods for the Examination of Water and Wastewater”, 1992, or “19th Edition of Standard Methods for the Examination of Water and Wastewater”, 1995, American Public Health Association, available from the American Public Health Association, 1015 Fifteenth Street NW, Washington, D.C. 20005. Either edition may be used.

(6) ~~Methods 3120B, 4500-CN⁺C, 4500-CN⁺G, 4500-CN⁺E, 4500-CN⁺F, 4110B, 4500F⁺B, D, 4500F⁺C, 4500F⁺E, 3112B,~~

4500-NO₃-F, 4500-NO₃-D, 4500-NO₃-E, and 4500-NO₂-B may be found in “18th Edition of Standard Methods for the Examination of Water and Wastewater”, 1992, “19th Edition of Standard Methods for the Examination of Water and Wastewater”, 1995, or “20th Edition of Standard Methods for the Examination of Water and Wastewater”, 1998, American Public Health Association, available from the American Public Health Association, 1015 Fifteenth Street NW, Washington, D.C. 20005. The cited methods published in any of the three (3) editions may be used.

(5) (7) Method I-3300-85 may be found in Techniques of Water Resources Investigation of the U.S. Geological Survey, Book 5, Chapter A-1, 3rd Edition, 1989, available from Information Services, U.S. Geological Survey, Federal Center, Box 25286, Denver, Colorado 80225-0425.

(6) (8) Methods 335.4, 300.0, and 353.2 may be found in “Methods for the Determination of Inorganic Substances in Environmental Samples”, EPA-600/R-93-100, August 1993, available from NTIS, PB94-120821.

(7) (9) Method 601 may be found in Technical Bulletin 601 “Standard Method of Test for Nitrate in Drinking Water”, July 1994, PN 221890-001, Analytical Technology, Inc., available from ATI Orion, 529 Main Street, Boston, Massachusetts 02129.

(8) (10) Method B-1011 may be found in “Waters Test Method for Determination of Nitrate/Nitrite in Water Using Single Column Ion Chromatography”, August 1987, available from Waters Corporation, 34 Maple Street, Milford, Massachusetts 01757.

(9) (11) Method 100.1 may be found in “Analytical Methods for Determination of Asbestos Fibers in Water”, EPA-600/4-83-043, EPA, September 1983, available from NTIS, PB83-260471.

(10) (12) Method 100.2 may be found in “Determination of Asbestos Structure Over 10-µm in Length in Drinking Water”, EPA-600/R-94-134, June 1994, available from NTIS, PB94-201902.

(11) (13) Method 129-71W may be found in “Fluoride in Water and Wastewater”, December 1972, Technicon Industrial Systems, available from Bran & Luebbe, 1025 Busch Parkway, Buffalo Grove, Illinois 60089.

(12) (14) Method 380-75WE may be found in “Fluoride in Water and Wastewater”, February 1976, Technicon Industrial Systems, available from Bran & Luebbe, 1025 Busch Parkway, Buffalo Grove, Illinois 60089.

(15) Method Kelada 01 may be found in “Kelada Automated Test Methods for Total Cyanide, Acid Dissolvable Cyanide, and Thiocyanate”, Rev 1.2, August 2001, EPA 821-B-01-099, available from the National Technical Information Service (NTIS), PB 2001-108275, 5285 Port Royal Road, Springfield, Virginia 22161, 800-553-6847.

(16) Method QuikChem 10-204-00-1-X may be found in “Digestion and distillation of total cyanide in drinking and wastewaters using MICRO DIST and determination of cyanide by flow injection analysis”, Rev 2.1, November 30,

2000, available from Lachat Industries, 6645 West Mill Road, Milwaukee, Wisconsin 53218, 414-358-4200.

These methods are also available for copying at the Indiana Department of Environmental Management, Office of Water Quality, 100 North Senate Avenue, Room 1255, Indianapolis, Indiana 46206. (*Water Pollution Control Board; 327 IAC 8-2-4.2; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1008; errata filed Aug 6, 1991, 3:45 p.m.: 14 IR 2258; filed Aug 24, 1994, 8:15 a.m.: 18 IR 29; errata filed Oct 11, 1994, 2:45 p.m.: 18 IR 531; filed Aug 25, 1997, 8:00 a.m.: 21 IR 40; filed Jul 23, 2001, 1:02 p.m.: 24 IR 3951; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3196*)

SECTION 5. 327 IAC 8-2-5.1 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-5.1 Collection of samples for organic chemical testing other than volatile organic compounds and total trihalomethanes

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16
Affected: IC 13-18

Sec. 5.1. To determine compliance with section 5(a) of this rule, collection of samples for organic chemical testing, other than volatile organic compounds and ~~total trihalomethanes~~, **TTHMs**, shall be made as follows:

(1) Ground water systems shall take a minimum of one (1) sample at every entry point to the distribution system ~~which~~ **that** is representative of each well after treatment (hereafter called a sampling point). Each sample must be taken at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

(2) Surface water systems, including those systems with a combination of surface and ground sources, shall take a minimum of one (1) sample at points in the distribution system that are representative of each source or at each entry point to the distribution system after treatment (hereafter called a sampling point). Each sample must be taken at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

(3) If the system draws water from more than one (1) source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions, such as when water representative of all sources is being used.

(4) The monitoring frequency is as follows:

(A) Each ~~community CWS and nontransient noncommunity water system~~ **NTNCWS** shall take four (4) consecutive quarterly samples for each contaminant listed in section 5(a) of this rule during each compliance period beginning with the initial compliance period.

(B) Systems serving more than three thousand three hundred (3,300) persons ~~which~~ **that** do not detect a contaminant in the initial compliance period may reduce the sampling frequency to a minimum of two (2) quarterly samples in one (1) year during each repeat compliance period.

(C) Systems serving less than or equal to three thousand three hundred (3,300) persons ~~which that~~ do not detect a contaminant in the initial compliance period may reduce the sampling frequency to a minimum of one (1) sample during each repeat compliance period.

(5) Each ~~community CWS and nontransient noncommunity water system~~ NTNCWS may apply to the commissioner for a waiver from the requirement of subdivision (4). A system must reapply for a waiver for each compliance period.

(6) The commissioner may grant a waiver after evaluating the knowledge of previous use, including transport, storage, or disposal of the contaminant within the watershed or zone of influence of the system. If a determination by the commissioner reveals no previous use of the contaminant within the watershed or zone of influence, a waiver may be granted. If previous use of the contaminant is unknown or it has been used previously, then the following factors shall be used to determine whether a waiver is granted:

(A) Previous analytical results.

(B) The proximity of the system to a potential point or nonpoint source of contamination. (Point sources include spills and leaks of chemicals at or near a water treatment facility or at manufacturing, distribution, or storage facilities, or from hazardous and municipal waste landfills and other waste handling or treatment facilities. Nonpoint sources include the use of pesticides to control insect and weed pests on agricultural areas, forest lands, home and gardens, and other land application uses).

(C) The environmental persistence and transport of the pesticide or polychlorinated biphenyls (PCBs).

(D) How well the water source is protected against contamination due to such factors as:

- (i) depth of the well;
- (ii) the type of soil; and
- (iii) the integrity of the well casing.

(E) Elevated nitrate levels at the water supply source.

(F) Use of PCBs in equipment used in the production, storage, or distribution of water, including, but not limited to, PCBs used in pumps or transformers.

(7) If an organic contaminant listed in section 5(a) of this rule is detected as defined by subdivision (16), in any sample, then the monitoring requirements are as follows:

(A) Each system must monitor quarterly at each sampling point ~~which that~~ resulted in a detection.

(B) The commissioner may decrease the quarterly monitoring requirement specified in clause (A) provided it has determined that the system is reliably and consistently below the MCL. In no case shall the commissioner make this determination unless a ground water system takes a minimum of two (2) quarterly samples and a surface water system takes a minimum of four (4) quarterly samples.

(C) After the commissioner determines the system is reliably and consistently below the MCL, the commissioner may allow the system to monitor annually. Systems ~~which that~~ monitor annually must monitor during the quarter that

previously yielded the highest analytical result.

(D) Systems ~~which that~~ have three (3) consecutive annual samples with no detection of contaminant may apply to the commissioner for a waiver as specified in subdivision (6).

(E) If monitoring results in detection of one (1) or more of certain related contaminants:

- (i) aldicarb;
- (ii) aldicarb sulfoxide;
- (iii) aldicarb sulfone;
- (iv) heptachlor; and
- (v) heptachlor epoxide;

then subsequent monitoring shall include analyses for all related contaminants.

(8) Systems ~~which that~~ violate the requirements of section 5(a) of this rule as determined by subdivision (11) must monitor quarterly. After a minimum of four (4) quarterly samples shows the system is in compliance and the commissioner determines the system is reliably and consistently below the MCL, as specified in subdivision (11), the system shall monitor at the frequency specified in subdivision (7)(C).

(9) The commissioner may require a confirmation sample for positive or negative results. If a confirmation sample is required by the commissioner, the result must be averaged with the first sampling result and the average used for the compliance determination as specified in subdivision (11). The commissioner has the discretion to delete results of obvious sampling errors from this calculation.

(10) The commissioner may reduce the total number of samples a system must analyze by allowing the use of compositing. Composite samples from a maximum of five (5) sampling points are allowed, provided that the detection limit of the method used for analysis is less than one-fifth ($1/5$) of the MCL. Compositing of samples must be done in the laboratory and analyzed within fourteen (14) days of sample collection in accordance with the following:

(A) When a composite sample is analyzed, if the concentration in the composite sample detects one (1) or more contaminants listed in section 5(a) of this rule, then a follow-up sample must be analyzed within fourteen (14) days from each sampling point included in the composite and analyzed for that contaminant.

(B) If duplicates of the original sample taken from each sampling point used in the composite samples are available, the system may use these instead of resampling. The duplicates must be analyzed and the results reported to the commissioner within fourteen (14) days after completion of the composite analysis or before the holding time for the initial sample is exceeded, whichever is sooner.

(C) If the population served by the system is greater than three thousand three hundred (3,300) persons, then compositing may only be permitted by the commissioner at sampling points within a single system. In systems serving less than or equal to three thousand three hundred (3,300) persons, the commissioner may permit compositing among different systems provided the five (5) sample limit is maintained.

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(11) Compliance with section 5(a) of this rule shall be determined **such that, if one (1) sampling point is in violation of an MCL, the system is in violation of the MCL** and based on the analytical results obtained at each sampling point in the following manner:

(A) For systems ~~which that~~ are conducting monitoring at a frequency greater than annual, compliance is determined by a running annual average of all samples taken at each sampling point. ~~If the annual average of any sampling point is greater than the MCL, then the system is out of compliance. If the initial sample or a subsequent sample would cause the annual average to be exceeded, then the system is out of compliance immediately. Any samples below the detection limit shall be calculated as zero (0) for purposes of determining the annual average.~~

(B) ~~If Systems monitoring is conducted annually, or less frequently, whose sample results exceed the regulatory detection level as specified in subdivision (16) must begin quarterly sampling. The system will not be considered in violation of the MCL until it has completed one (1) year of quarterly sampling.~~

(C) ~~If any sample result will cause the running annual average to exceed the MCL at any sampling point, the system is out of compliance if the level of a contaminant at any sampling point is greater than with the MCL immediately.~~

(D) ~~If a confirmation sample is system fails to collect the required by the commissioner, the determination number of samples, compliance will be based on the average total number of two (2) samples collected.~~

(E) ~~If a sample result is less than the detection limit, zero (0) will be used to calculate the annual average.~~

(12) If monitoring data collected after January 1, 1990, are generally consistent with ~~the requirements~~ of this section and section 5.2 of this rule, then the commissioner may allow systems to use that data to satisfy the monitoring requirement for the initial compliance period.

(13) The commissioner may increase the required monitoring frequency, where necessary, to detect variations within the system such as fluctuations in concentration due to seasonal use and changes in water source.

(14) The commissioner has the authority to determine compliance or initiate enforcement action based upon analytical results and other information compiled by the commissioner's sanctioned representatives or agencies, or both.

(15) Each public water system shall monitor at the time designated by the commissioner within each compliance period.

(16) Method detection levels for contaminants listed in section 5(a) of this rule are as follows:

Contaminant	Detection Limit (mg/l)
Alachlor	0.0002
Atrazine	0.0001
Benzo[a]pyrene	0.00002
Carbofuran	0.0009
Chlordane	0.0002

Dalapon	0.001
1,2-dibromo-3-chloropropane (DBCP)	0.00002
Di(2-ethylhexyl)adipate	0.0006
Di(2-ethylhexyl)phthalate	0.0006
Dinoseb	0.0002
Diquat	0.0004
2,4-D	0.0001
Endothall	0.009
Endrin	0.00001
Ethylene dibromide (EDB)	0.00001
Glyphosate	0.006
Heptachlor	0.00004
Heptachlor epoxide	0.00002
Hexachlorobenzene	0.0001
Hexachlorocyclopentadiene	0.0001
Lindane	0.00002
Methoxychlor	0.0001
Oxamyl	0.002
Picloram	0.0001
Polychlorinated biphenyls (PCBs) (as decachlorobiphenyl)	0.0001
Pentachlorophenol	0.00004
Simazine	0.00007
Toxaphene	0.001
2,3,7,8-TCDD (dioxin)	0.000000005
2,4,5-TP (silvex)	0.0002

(17) All new systems or systems that use a new source of water that begin operation after January 1, 2004, must demonstrate compliance with the MCL within a period of time specified by the commissioner. The system must also comply with the initial sampling frequencies specified by the commissioner to ensure a system can demonstrate compliance with the MCL. Routine and increased monitoring frequencies shall be conducted in accordance with the requirements in this section.

(Water Pollution Control Board; 327 IAC 8-2-5.1; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1010; filed Aug 24, 1994, 8:15 a.m.: 18 IR 33; errata filed Oct 11, 1994, 2:45 p.m.: 18 IR 531; filed Aug 25, 1997, 8:00 a.m.: 21 IR 44; filed Apr 21, 1999, 3:22 p.m.: 22 IR 2862; errata filed Apr 28, 1999, 6:36 p.m.: 22 IR 2883; filed Jul 23, 2001, 1:02 p.m.: 24 IR 3953; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1084; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3198)

SECTION 6. 327 IAC 8-2-5.2 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-5.2 Analytical methods for organic chemical testing other than volatile organic compounds and total trihalomethanes

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16
Affected: IC 13-18

Sec. 5.2. (a) Analysis for the contaminants listed in section 5(a) of this rule shall be conducted using the following EPA methods or their **equivalent equivalents** as approved by EPA established as follows:

- (1) Dioxin, as described in Method 1613*.
- (2) 2,4-D³ (as acid, salts, and esters), as described in Method 515.2, Rev 1.1*, Method 555, **Rev 1.0***, Method 515.1, **Rev 4.0***, Method 515.3*, or Method D 5317-93*.
- (3) 2,4,5-TP³ (silvex), as described in Method 515.2, Rev 1.1*, Method 555, **Rev 1.0***, Method 515.1, **Rev 4.0***, Method 515.3*, or Method D 5317-93*.
- (4) Alachlor¹, as described in Method 505, Rev 2.1*, Method 507, Rev 2.1*, Method 525.2, Rev 2.0*, Method 508.1, Rev 2.0*, or Method 551.1, Rev 1.0*.
- (5) Atrazine¹, as described in Method 505, Rev 2.1*, Method 507, Rev 2.1*, Method ~~525.1~~, **525.2**, **Rev 2.0***, Method 508.1, Rev 2.0*, or Method 551.1, Rev 1.0*.
- (6) Benzo(a)pyrene, as described in Method 525.2, Rev 2.0*, Method 550*, or Method 550.1*.
- (7) Carbofuran, as described in Method 531.1, Rev 3.1*, or Method 6610*.
- (8) Chlordane, as described in Method 505, Rev 2.1*, Method 508, Rev 3.1*, Method 525.2, Rev 2.0*, or Method 508.1, Rev 2.0*.
- (9) Dalapon, as described in Method 552.1, Rev 1.0*, Method 515.1, **Rev 4.0***, Method 552.2, Rev 1.0*, or Method 515.3, **Rev 1.0***.
- (10) Di(2-ethylhexyl)adipate, as described in Method 506, Rev 1.1* or Method 525.2, Rev 2.0*.
- (11) Di(2-ethylhexyl)phthalate, as described in Method 506, Rev 1.1* or Method 525.2, Rev 2.0*.
- (12) Dibromochloropropane (DBCP), as described in Method 504.1, Rev 1.1* or Method 551.1, Rev 1.0*.
- (13) Dinoseb³, as described in Method 515.2, Rev 1.1*, Method 555, **Rev 1.0***, Method 515.1, **Rev 4.0***, or Method 515.3, **Rev 1.0***.
- (14) Diquat, as described in Method 549.2, **Rev 1.0***.
- (15) Endothall, as described in Method 548.1, **Rev 1.0***.
- (16) Endrin, as described in Method 505, Rev 2.1*, Method 508, Rev 3.1*, Method 525.2, Rev 2.0*, Method 508.1, Rev 2.0*, or Method 551.1, Rev 1.0*.
- (17) Ethylene dibromide (EDB), as described in Method 504.1, Rev 1.1* or Method 551.1, Rev 1.0*.
- (18) Glyphosate, as described in Method 547* or Method 6651*.
- (19) Heptachlor, as described in Method 505, Rev 2.1*, Method 508, Rev 3.1*, Method 525.2, Rev 2.0*, Method 508.1, Rev 2.0*, or Method 551.1, Rev 1.0*.
- (20) Heptachlor epoxide, as described in Method 505, Rev 2.1*, Method 508, Rev 3.1*, Method 525.2, Rev 2.0*, Method 508.1, Rev 2.0*, or Method 551.1, Rev 1.0*.
- (21) Hexachlorobenzene, as described in Method 505, Rev 2.1*, Method 508, Rev 3.1*, Method 525.2, Rev 2.0*, Method 508.1, Rev 2.0*, or Method 551.1, Rev 1.0*.
- (22) Hexachlorocyclopentadiene, as described in Method 505,

- Rev 2.1*, Method 508, Rev 3.1*, Method 525.2, Rev 2.0*, Method 508.1, Rev 2.0*, or Method 551.1, Rev 1.0*.
- (23) Lindane, as described in Method 505, Rev 2.1*, Method 508, Rev 3.1*, Method ~~525.1~~, **525.2**, **Rev 2.0***, Method 508.1, Rev 2.0*, or Method 551.1, Rev 1.0*.
- (24) Methoxychlor, as described in Method 505, Rev 2.1*, Method 508, Rev 3.1*, Method ~~525.1~~, **525.2**, **Rev 2.0***, Method 508.1, Rev 2.0*, or Method 551.1, Rev 1.0*.
- (25) Oxyaryl, as described in Method 531.1, Rev 3.1* or Method 6610*.
- (26) PCBs¹:
 - (A) as decachlorobiphenyl, as described in Method 508A, **Rev 1.0***, or
 - (B) as arochlors, as described in Method 505, Rev 2.1*, Method 508, Rev 3.1*, Method 525.2, Rev 2.0*, or Method 508.1, Rev 2.0*.
- (27) Pentachlorophenol, as described in Method 515.2, Rev 1.1*, Method 525.2, Rev 2.0*, Method 555, **Rev 1.0***, Method 515.1, **Rev 4.0***, Method 515.3, **Rev 1.0***, or Method D 5317-93*.
- (28) Picloram³, as described in Method 515.2, Rev 1.1*, Method 555, **Rev 1.0***, Method 515.1, **Rev 4.0***, Method 515.3, **Rev 1.0***, or Method D 5317-93*.
- (29) Simazine¹, as described in Method 505, Rev 2.1*, Method 507, Rev 2.1*, Method 525.2, Rev 2.0*, Method 508.1, Rev 2.0*, or Method 551.1, Rev 1.0*.
- (30) Toxaphene, as described in Method 505, Rev 2.1*, Method 508, Rev 3.1*, Method 525.2, Rev 2.0*, or Method 508.1, Rev 2.0*.

¹Substitution of the detector specified in Method 505, Rev 2.1, Method 507, Rev 2.1, Method 508, Rev 3.1, or Method 508.1, Rev 3.0 for the purpose of achieving lower detection limits is allowed as follows. Either an electron capture or nitrogen phosphorus detector may be used provided all regulatory requirements and quality control criteria are met.

²PCBs are qualitatively identified as Arochlors and measured for compliance purposes as decachlorobiphenyl. Users of Method 505, Rev 2.1 may have more difficulty in achieving the required detection limits than users of Method 508.1, Rev 2.0, Method 525.2, Rev 2.0 or Method 508, Rev 3.1.

³Accurate determination of the chlorinated esters requires hydrolysis of the sample as described in Method 515.1, Method 515.2, Rev 1.1, Method 515.3, Method 555, and Method D 5317-93.

(b) Analysis for PCBs shall be conducted as follows using the methods in subsection (a):

- (1) Each system **which that** monitors for PCBs shall analyze each sample using either Method 505, Rev 2.1*, Method 508, Rev 3.1*, Method 508.1, Rev 2.0*, or Method 525.2, Rev 2.0*. Users of Method 505, Rev 2.1 may have more difficulty in achieving the required Arochlor detection limits than users of Method 508.1, Rev 2.0, Method 525.2, Rev 2.0 or Method 508, Rev 3.1.
- (2) If PCBs (as one (1) of seven (7) arochlors) are detected,

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as designated as follows, in any sample analyzed using Method 505, Rev 2.1* or Method 508, Rev 3.1*, the system shall reanalyze the sample using Method 508A* to quantitate PCBs (as decachlorobiphenyl):

Arochlor	Detection Limit (mg/l)
1016	0.00008
1221	0.02
1232	0.0005
1242	0.0003
1248	0.0001
1254	0.0001
1260	0.0002

(3) Compliance with the PCB ~~maximum contaminant level~~ **MCL** shall be determined based upon the quantitative results of analyses using Method 508A*.

(c) Analysis under this section shall only be conducted by laboratories that have received certification by EPA or the commissioner and have met the following conditions:

- (1) Successfully analyze ~~performance evaluation~~ PE samples provided by the EPA, the commissioner, or by a third party with the approval of the EPA or the commissioner, at least once per year by each method for which the laboratory desires certification.
- (2) For each contaminant that has been included in the PE sample achieve quantitative results on the analyses that are within the following acceptance limits:

Contaminant	Acceptance Limits (Percent)
DBCP	±40
EDB	±40
Alachlor	±45
Atrazine	±45
Benzo(a)pyrene	2 standard deviations
Carbofuran	±45
Chlordane	±45
Dalapon	2 standard deviations
Di(2-ethylhexyl)adipate	2 standard deviations
Di(2-ethylhexyl)phthalate	2 standard deviations
Dinoseb	2 standard deviations
Diquat	2 standard deviations
Endothall	2 standard deviations
Endrin	±30
Glyphosate	2 standard deviations
Heptachlor	±45
Heptachlor epoxide	±45
Hexachlorobenzene	2 standard deviations
Hexachlorocyclopentadiene	2 standard deviations
Lindane	±45
Methoxychlor	±45
Oxamyl	2 standard deviations
PCBs (as decachlorobiphenyl)	0-200

Picloram	2 standard deviations
Simazine	2 standard deviations
Toxaphene	±45
Pentachlorophenol	±50
2,3,7,8-TCDD (dioxin)	2 standard deviations
2,4-D	±50
2,4,5-TP (silvex)	±50

*The methods referenced in this section may be obtained as follows:

(1) Method 508A, **Rev 1.0** and Method 515.1, **Rev 4.0** may be found in “Methods for the Determination of Organic Compounds in Drinking Water”, EPA-600/4-88-039, December 1988, revised July 1991, available from NTIS, PB91-231480, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, (800) 553-6847.

(2) Methods 547, 550, and 550.1 may be found in “Methods for the Determination of Organic Compounds in Drinking Water—Supplement I”, EPA-600-4-90-020, July 1990, available from NTIS, PB91-146027, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, (800) 553-6847.

(3) Methods 548.1, ~~549.1~~, **Rev 1.0**, 552.1, **Rev 1.0**, and 555, **Rev 1.0** may be found in “Methods for the Determination of Organic Compounds in Drinking Water—Supplement II”, EPA-600/R-92-129, August 1992, available from NTIS, PB92-207703, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, (800) 553-6847.

(4) Methods 504.1, Rev 1.1, 505, Rev 2.1, 506, Rev 1.1, 507, Rev 2.1, 508, Rev 3.1, 508.1, Rev 2.0, 515.2, Rev 1.1, 525.2, Rev 2.0, 531.1, Rev 3.1, 551.1, Rev 1.0, and 552.2, Rev 1.0 may be found in “Methods for the Determination of Organic Compounds in Drinking Water - Supplement III”, EPA-600/R-95-131, August 1995, available from NTIS, PB95-261616, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, (800) 553-6847.

(5) Method 1613 may be found in “Tetra-through Octa-Chlorinated Dioxins and Furans by Isotope Dilution HRGC/HRMS”, EPA 821-B-94-005, October 1994, available from NTIS, PB95-104774, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, (800) 553-6847.

(6) Method 6651 may be found in “18th Edition of Standard Methods for the Examination of Water and Wastewater”, and “19th Edition of Standard Methods for the Examination of Water and Wastewater”, and “20th Edition of Standard Methods for the Examination of Water and Wastewater”, 1992, and 1995, and 1998, American Public Health Association, available from the American Public Health Association, 1015 Fifteenth Street NW, Washington, D.C. 20005. ~~Either~~ **Any of these three (3) editions** may be used.

(7) Method 6610 may be found in “Supplement to the 18th Edition of Standard Methods for Water and Wastewater”, or “19th Edition of Standard Methods for the Examination of Water and Wastewater”, or “20th Edition of Standard

Methods for the Examination of Water and Wastewater, 1994, and 1995, and 1998, American Public Health Association, available from the National Public Health Association, 1015 Fifteenth Street NW, Washington, D.C. 20005. ~~Either publication~~ **Any of these three (3) publications** may be used.

(8) Other required analytical test procedures germane to the conduct of these analyses are contained in "Technical Notes of Drinking Water Methods", EPA/600/R-94-173, October 1994, available from NTIS, PB95-104766, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, (800) 553-6847.

(9) EPA Methods 515.3, **Rev 1.0** and 549.2, ~~are available from U.S. EPA National Exposure Research Laboratory (NERL), 26 West Martin Luther King Drive, Cincinnati, Ohio 45268; the phone number is (513) 569-7586.~~ **Rev 1.0 may be found in "Methods for the Determination of Organic and Inorganic Compounds in Drinking Water, Volume 1", 2000, EPA 815-R-00-014, available from U.S. EPA/NSCEP, Post Office Box 42419, Cincinnati, Ohio 42419, (800) 490-9198.**

(10) ASTM Method D 5317-93 may be found in the "Annual Book of ASTM Standards", ~~1996,~~ **1999**, Vol. 11.02, available from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428. Method D 5317-93 may also be found in any other edition of the "Annual Book of ASTM Standards" published from 1993 until the effective date of this rule.

(11) **Method 531.2, "Measurement of N-methylcarbamoyloximes and N-methylcarbamates in Water by Direct Aqueous Inactivation HPLC with Postcolumn Derivatization", Rev 1.0, September 2001, EPA 815/B/01/002 can be assessed and downloaded directly on-line at www.epa.gov/safewater/methods/sorcalt.html.**

These methods are available for copying at the Indiana Department of Environmental Management, Office of Water Quality, 100 North Senate Avenue, Room 1255, Indianapolis, Indiana 46206. (*Water Pollution Control Board; 327 IAC 8-2-5.2; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1011; errata filed Aug 6, 1991, 3:45 p.m.: 14 IR 2258; filed Aug 24, 1994, 8:15 a.m.: 18 IR 35; errata filed Oct 11, 1994, 2:45 p.m.: 18 IR 531; filed Aug 25, 1997, 8:00 a.m.: 21 IR 46; errata filed Dec 10, 1997, 3:45 p.m.: 21 IR 1347; filed Jul 23, 2001, 1:02 p.m.: 24 IR 3956; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3200*)

SECTION 7. 327 IAC 8-2-5.5 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-5.5 Collection of samples for volatile organic compound testing other than total trihalomethanes; community and nontransient noncommunity water systems

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16
Affected: IC 13-18

Sec. 5.5. (a) ~~Community water systems CWSs~~ and

~~nontransient noncommunity water systems~~ NTNCWSs shall collect samples for volatile organic compound testing in order to determine compliance with section 5.4 of this rule, beginning with the initial compliance period, as follows:

(1) Ground water systems shall take a minimum of one (1) sample at every entry point to the distribution system ~~which~~ **that** is representative of each well after treatment (hereafter called a sampling point). Each sample must be taken at the same sampling point, unless conditions make another sampling point more representative of each source or treatment plant, or within the distribution system.

(2) Surface water systems (or combined surface/ground) shall take a minimum of one (1) sample at points in the distribution system that are representative of each source or at each entry point to the distribution system after treatment (hereafter called a sampling point). Each sample must be taken at the same sampling point, unless conditions make another sampling point more representative of each source or treatment plant, or within the distribution system.

(3) If the system draws water from more than one (1) source and sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions such as when water representative of all sources is being used.

(4) Each ~~community CWS~~ and ~~nontransient noncommunity water system~~ NTNCWS shall take four (4) consecutive quarterly samples for each contaminant listed in section 5.4 of this rule, except vinyl chloride, during each compliance period, beginning in the initial compliance period.

(5) If the initial monitoring for contaminants listed in section 5.4 of this rule, as allowed by ~~subsection (b),~~ **subdivision (16)**, has been completed by December 31, 1992, and the system did not detect any contaminant listed in section 5.4 of this rule, then each ground and surface water system shall take one (1) sample annually beginning with the initial compliance period.

(6) After a minimum of three (3) years of annual sampling, the commissioner may allow ground water systems with no previous detection of any contaminant listed in section 5.4 of this rule to take one (1) sample during each compliance period.

(7) Each community and nontransient noncommunity ground water system ~~which~~ **that** does not detect a contaminant listed in section 5.4 of this rule may apply to the commissioner for a waiver from the requirements of subdivisions (5) and (6) after completing the initial monitoring. As used in this section, "detection" means greater than or equal to five ten-thousandths (0.0005) milligram per liter. A waiver shall be effective for no more than six (6) years (two (2) compliance periods). The commissioner may also issue waivers to small systems for the initial round of monitoring for 1,2,4-trichlorobenzene.

(8) The commissioner may grant a waiver after evaluating the following factors:

(A) Knowledge of previous use (including transport,

storage, or disposal) of the contaminant within the watershed or zone of influence of the system. If a determination by the commissioner reveals no previous use of the contaminant within the watershed or zone of influence, a waiver may be granted.

(B) If previous use of the contaminant is unknown or if the contaminant has been used previously, then the following factors shall be used to determine whether a waiver is granted:

- (i) Previous analytical results.
- (ii) The proximity of the system to a potential point or nonpoint source of contamination. Point sources include spills and leaks of chemicals at or near a water treatment facility or at manufacturing, distribution, or storage facilities, or from hazardous and municipal waste landfills and other waste handling or treatment facilities.
- (iii) The environmental persistence and transport of the contaminants.
- (iv) The number of persons served by the public water system, and the proximity of a smaller system to a larger system.
- (v) How well the water source is protected against contamination, such as whether it is a surface or ground water system. Ground water systems must consider factors such as the depth of the well, the type of soil, and wellhead protection. Surface water systems must consider watershed protection.

(9) As a condition of the waiver, a ground water system must take one (1) sample at each sampling point during the time the waiver is effective, for example, one (1) sample during two (2) compliance periods or six (6) years, and update its vulnerability assessment considering the factors listed in subdivision (8). Based on this vulnerability assessment, the commissioner must reconfirm that the system is nonvulnerable. If the commissioner does not make this reconfirmation within three (3) years of the initial determination, then the waiver is invalidated and the system is required to sample annually as specified in subdivision (5).

(10) Each community and nontransient noncommunity surface water system ~~which that~~ does not detect a contaminant listed in section 5.4 of this rule may apply to the commissioner for a waiver from ~~the requirements of~~ subdivision (5) after completing the initial monitoring. Composite samples from a maximum of five (5) sampling points are allowed provided that the detection limit of the method used for analysis is less than one-fifth ($1/5$) of the MCL. Systems meeting this criterion must be determined by the commissioner to be nonvulnerable based on a vulnerability assessment during each compliance period. Each system receiving a waiver shall sample at the frequency specified by the commissioner (if any).

(11) If a contaminant listed in section 5.4 of this rule, except vinyl chloride, is detected at a level exceeding five ten-thousandths (0.0005) milligram per liter in any sample, then the monitoring requirements will be as follows:

(A) The system must monitor quarterly at each sampling

point ~~which that~~ resulted in a detection.

(B) The commissioner may decrease the quarterly monitoring requirement specified in clause (A) provided it has determined that the system is reliably and consistently below the MCL. In no case shall the commissioner make this determination unless a ground water system takes a minimum of two (2) quarterly samples and a surface water system takes a minimum of four (4) quarterly samples.

(C) If the commissioner determines that the system is reliably and consistently below the MCL, the commissioner may allow the system to monitor annually. Systems ~~which that~~ monitor annually must monitor during the quarter or quarters ~~which that~~ previously yielded the highest analytical result.

(D) Systems ~~which that~~ have three (3) consecutive annual samples with no detection of a contaminant may apply to the commissioner for a waiver as specified in subdivision (7).

(E) Ground systems ~~which that~~ have detected one (1) or more two-carbon organic compounds:

- (i) trichloroethylene;
- (ii) tetrachloroethylene;
- (iii) 1,2-dichloroethane;
- (iv) 1,1,1-trichloroethane;
- (v) cis-1,2-dichloroethylene;
- (vi) trans-1,2-dichloroethylene; or
- (vii) 1,1-dichloroethylene;

shall monitor quarterly for vinyl chloride. A vinyl chloride sample shall be taken at each sampling point at which one (1) or more of the two-carbon organic compounds was detected. If the results of the first analysis do not detect vinyl chloride, the commissioner may reduce the quarterly monitoring frequency of vinyl chloride monitoring to one (1) sample during each compliance period. Surface water systems are required to monitor for vinyl chloride as specified by the commissioner.

(12) Systems ~~which that~~ violate ~~the requirements of~~ section 5.4 of this rule, as determined by subdivision (15), must monitor quarterly. After a minimum of four (4) consecutive quarterly samples ~~which that~~ show the system is in compliance as specified in subdivision (15) if the commissioner determines that the system is reliably and consistently below the MCL, the system may monitor at the frequency and times specified in subdivision (11)(C).

(13) The commissioner may require a confirmation sample for positive or negative results. If a confirmation sample is required by the commissioner, the result must be averaged with the first sampling result and the average is used for the compliance determination as specified by subdivision (15). The commissioner has the discretion to delete results of obvious sampling errors from this calculation.

(14) The commissioner may reduce the total number of samples a system must analyze by allowing the use of compositing. Composite samples from a maximum of five (5) sampling points are allowed, provided that the detection limit

of the method used for analysis is less than one-fifth ($1/5$) of the MCL. Compositing of samples must be done in the laboratory and analyzed within fourteen (14) days of sample collection as follows:

(A) If the concentration in the composite sample is greater than or equal to five ten-thousandths (0.0005) milligram per liter for any contaminant listed in section 5.4 of this rule, then a follow-up sample must be analyzed within fourteen (14) days from each sampling point included in the composite, and be analyzed for that contaminant.

(B) If duplicates of the original sample taken from each sampling point used in the composite sample are available, the system may use the duplicates instead of resampling. The duplicates must be analyzed and the results reported to the commissioner within fourteen (14) days after completing analysis of the composite sample, provided the holding time of the sample is not exceeded.

(C) Compositing may only be permitted by the commissioner at sampling points within a single system if the population served by the system is greater than three thousand three hundred (3,300) persons. In systems serving less than or equal to three thousand three hundred (3,300) persons, the commissioner may permit compositing among different systems provided the five (5) sample limit is maintained.

(D) Compositing of samples prior to gas chromatography (GC) analysis shall be as follows:

(i) Add five (5) milliliters or equal larger amounts of each sample (up to five (5) samples are allowed) to a twenty-five (25) milliliter glass syringe. Special precautions must be made to maintain zero (0) headspace in the syringe.

(ii) The samples must be cooled at four (4) degrees Celsius during this step to minimize volatilization losses.

(iii) Mix well and draw out a five (5) milliliter aliquot for analysis.

(iv) Follow sample introduction, purging, and desorption steps described in the method.

(v) If less than five (5) samples are used for compositing, a proportionately smaller syringe may be used.

(E) Compositing of samples prior to gas chromatography/mass spectrometry (GS/MS) analysis shall be as follows:

(i) Inject five (5) milliliters or larger amounts of each aqueous solution (up to five (5) samples are allowed) into a twenty-five (25) milliliter purging device using the sample introduction technique described in the method.

(ii) The total volume of the sample in the purging device must be twenty-five (25) milliliters.

(iii) Purge and desorb as described in the method.

(15) Compliance with section 5.4 of this rule shall be determined **such that, if one (1) sampling point is in violation of an MCL, the system is in violation of the MCL** and based on the analytical results obtained at each sampling point using the following criteria:

(A) For systems ~~which that~~ are conducting monitoring at a

frequency greater than annually, compliance is determined by a running annual average of all samples taken at each sampling point. ~~If the annual average of any sampling point is greater than the MCL, then the system is out of compliance. If the initial sample or a subsequent sample would cause the annual average to be exceeded, then the system is out of compliance immediately.~~

(B) ~~If Systems monitoring is conducted~~ annually, or less frequently, **whose sample results exceed the MCL must begin quarterly sampling. The system will not be considered in violation of the MCL until it has completed one (1) year of quarterly sampling.**

(C) **If any sample result will cause the running annual average to exceed the MCL at any sampling point,** the system is out of compliance ~~if the level of a contaminant at any sampling point is greater than with the MCL immediately.~~

(D) ~~If a confirmation sample is system fails to collect the required by the commissioner,~~ the determination number of **samples,** compliance will be based on the **average total number of two (2) samples collected.**

(E) **If a sample result is less than the detection limit, zero (0) will be used to calculate the annual average.**

~~(F)~~ (F) If a public water system has a distribution system separable from other parts of the distribution system with no interconnections, the commissioner may allow the system to give public notice to only that area served by that portion of the system ~~which that~~ is out of compliance.

~~(b)~~ (16) The commissioner may allow the use of monitoring data collected after January 1, 1988, for purposes of initial monitoring compliance. If the data are generally consistent with the other requirements of this section, the commissioner may use these data (a single sample rather than four (4) quarterly samples) to satisfy the initial monitoring requirement of ~~subsection (a)(4):~~ **subdivision (4).** Systems ~~which that~~ use grandfathered samples and do not detect any contaminant listed in section 5.4 of this rule, except vinyl chloride, shall begin monitoring annually in accordance with ~~subsection (a)(5):~~ **subdivision (5),** beginning with the initial compliance period.

~~(c)~~ (17) The commissioner may increase required monitoring where necessary to detect variations within the system.

~~(d)~~ (18) To receive certification to conduct analyses for the contaminants in section 5.4 of this rule, excluding vinyl chloride, each certified laboratory must meet the following requirements:

~~(1)~~ (A) Successfully analyze ~~performance evaluation~~ PE samples provided by EPA, the commissioner, or by a third party with the approval of EPA or the commissioner, at least once a year by each method for which the laboratory desires certification.

~~(2)~~ (B) Achieve the quantitative acceptance limits under ~~subdivisions (3) and (4)~~ **clauses (C) and (D)** for at least eighty percent (80%) of the regulated organic chemicals in section 5.4 of this rule, excluding vinyl chloride.

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~~(3)~~ (C) Achieve quantitative results on the analyses performed under ~~subdivision (1) clause (A)~~ that are within plus or minus twenty percent ($\pm 20\%$) of the actual amount of the substances in the PE sample when the actual amount is greater than or equal to ten-thousandths (**0.010**) milligrams per liter. (~~≥ 0.010 mg/l~~).

~~(4)~~ (D) Achieve quantitative results on the analyses performed under ~~subdivision (1) clause (A)~~ that are within plus or minus forty percent ($\pm 40\%$) of the actual amount of the substances in the PE sample when the actual amount is less than ten-thousandths (**0.010**) milligrams per liter. (~~≤ 0.010 mg/l~~).

~~(5)~~ (E) Achieve a method detection limit of five ten-thousandths (**0.0005**) milligram per liter, (~~0.0005 mg/l~~), according to the procedures in 40 CFR 136, Appendix B*.

~~(6)~~ (19) To receive certification to conduct analyses for vinyl chloride, the laboratory must meet the following requirements:

~~(1)~~ (A) Successfully analyze PE samples provided by EPA, the commissioner, or by a third party with the approval of EPA or the commissioner, at least once a year by each method for which the laboratory desires certification.

~~(2)~~ (B) Achieve quantitative results on the analyses performed under ~~subdivision (1) clause (A)~~ that are within plus or minus forty percent ($\pm 40\%$) of the actual amount of vinyl chloride in the PE sample.

~~(3)~~ (C) Achieve a method detection limit of five ten-thousandths (**0.0005**) milligram per liter, (~~0.0005 mg/l~~), according to the procedures in 40 CFR 136, Appendix B*.

~~(4)~~ (D) Obtain certification for the contaminants listed in section 5.4 of this rule.

~~(5)~~ (20) Each public water system shall monitor at the time designated by the commissioner within each compliance period.

~~(6)~~ (21) The commissioner may increase required monitoring where necessary to detect variations within the system.

~~(7)~~ (22) The commissioner has the authority to determine compliance or initiate enforcement based upon analytical results or other information.

(23) All new systems or systems that use a new source of water that begin operation after January 1, 2004, must demonstrate compliance with the MCL within a period of time specified by the commissioner. The system must also comply with the initial sampling frequencies specified by the commissioner to ensure a system can demonstrate compliance with the MCL. Routine and increased monitoring frequencies shall be conducted in accordance with the requirements in this section.

40 CFR 136, Appendix B is incorporated by reference.

Copies of this regulation may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402, or from the Indiana Department of Environmental Management, Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Room N1255, Indianapolis, Indiana 46206. (*Water Pollution Control Board; 327 IAC 8-2-5.5; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1014;*

errata filed Jan 9, 1991, 2:30 p.m.: 14 IR 1070; errata filed Aug 6, 1991, 3:45 p.m.: 14 IR 2258; filed Aug 24, 1994, 8:15 a.m.: 18 IR 39; errata filed Oct 11, 1994, 2:45 p.m.: 18 IR 531; filed Oct 24, 1997, 4:30 p.m.: 21 IR 936; filed Jul 23, 2001, 1:02 p.m.: 24 IR 3960; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1089; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3203)

SECTION 8. 327 IAC 8-2-8.5 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-8.5 Requirement for filtration and disinfection

Authority: IC 13-13-5-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-18-3-2
Affected: IC 13-12-3-1; IC 13-13-5-2; IC 13-14-9; IC 13-18-11

Sec. 8.5. (a) Effective June 29, 1993, a public water system that uses a surface water source must provide filtration in accordance with this section.

(b) A public water system that uses a ground water source under the direct influence of surface water shall provide filtration in accordance with this section beginning eighteen (18) months after the commissioner determines that it is under the direct influence of surface water from the date specified in section 8.2 of this rule.

(c) A public water system that uses a surface water source or a ground water source under the direct influence of surface water must provide treatment consisting of both disinfection, as specified in section 8.6 of this rule, and filtration treatment. Filtration treatment shall be done by one (1) of the following techniques, and the turbidity level of representative samples of a system's filtered water, regardless of filtration technique used, shall at no time exceed five (5) nephelometric turbidity units (NTU) in any given sample, measured as specified in section 8.7 of this rule:

(1) For systems using conventional filtration or direct filtration, the turbidity level of representative samples of a system's filtered water must be less than or equal to one-half (0.5) NTU in at least ninety-five percent (95%) of the total number of measurements taken each month, measured as specified in sections 8.7(4) and 8.8(b) of this rule, except that if the commissioner determines that the system is capable of achieving at least ninety-nine and nine-tenths percent (99.9%) removal ~~and/or~~ **or** inactivation, **or both**, of *Giardia lamblia* cysts at some turbidity level higher than one-half (0.5) NTU in at least ninety-five percent (95%) of the total number of measurements taken each month, the commissioner may substitute this higher turbidity limit for that system. However, in no case may the commissioner approve a turbidity limit that allows more than one (1) NTU in more than five percent (5%) of the samples taken each month, measured as specified in sections 8.7(4) and 8.8(b) of this rule. Upon the effective date of this rule, systems serving a population of:

(A) at least ten thousand (10,000) individuals; **and**

(B) **beginning January 1, 2005, fewer than ten thousand (10,000) individuals;**

shall meet the turbidity requirements in 327 IAC 8-2.6-3.

(2) For systems using slow sand filtration, the turbidity level of representative samples of a system's filtered water must be less than or equal to one (1) NTU in at least ninety-five percent (95%) of the measurements taken each month, measured as specified in sections 8.7(4) and 8.8(b) of this rule, except where the commissioner determines that there is no significant interference with disinfection at a higher turbidity level.

(3) For systems using diatomaceous earth filtration, the turbidity level of representative samples of a public water system's filtered water must be less than or equal to one (1) NTU in at least ninety-five percent (95%) of the measurements taken each month, measured as specified in sections 8.7(4) and 8.8(b) of this rule.

(4) A public water system may use a filtration technology not listed in this subsection if it demonstrates to the commissioner, using pilot plant studies or other means, that the alternative filtration technology, in combination with disinfection treatment that meets the requirements of section 8.6 of this rule, consistently achieves ninety-nine and nine-tenths percent (99.9%) removal and/or or inactivation, or both, of *Giardia lamblia* cysts and ninety-nine and ninety-nine hundredths percent (99.99%) removal and/or or inactivation, or both, of viruses. For a system that makes this demonstration, the requirements of this subsection apply: applies. Upon the effective date of this rule, systems serving a population of:

(A) at least ten thousand (10,000) individuals; and

(B) beginning January 1, 2005, fewer than ten thousand (10,000) individuals;

shall meet the requirements for other filtration technologies in 327 IAC 8-2.6-3.

(d) During plant operation, each public water system subject to this section shall be operated only by personnel who have been certified by the commissioner under 327 IAC 8-11 through 327 IAC 8-12.

(e) In addition to complying with requirements in this section, systems serving a population of:

(1) at least ten thousand (10,000) individuals; and

(2) beginning January 1, 2005, fewer than ten thousand (10,000) individuals;

shall also comply with the requirements in ~~327 IAC 8-2.6-1~~ **327 IAC 8-2.6**. (*Water Pollution Control Board; 327 IAC 8-2-8.5; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1024; errata filed Apr 5, 1991, 3:30 p.m.: 14 IR 1626; errata, 14 IR 1730; filed Apr 12, 1993, 11:00 a.m.: 16 IR 2160; filed May 1, 2003, 12:00 p.m.: 26 IR 2816; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3206*)

SECTION 9. 327 IAC 8-2-8.7 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-8.7 Analytical and monitoring requirements; fecal coliform, total coliform, turbidity, disinfection

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16
Affected: IC 13-11-2; IC 13-14-8; IC 13-18-1; IC 13-18-2

Sec. 8.7. Only the analytical methods and procedures specified in this section, or otherwise approved by EPA, may be used to demonstrate compliance with the requirements of sections 8.5 and 8.6 of this rule. Measurements for pH, turbidity, temperature, and residual disinfectant concentrations must be conducted using methods specified in this rule. Measurements for total coliforms, fecal coliforms, and HPC must be conducted by a laboratory certified by the commissioner or EPA under 40 CFR 141.28*. Until laboratory certification criteria are developed for the analysis of fecal coliforms and HPC, any laboratory certified for total coliforms analysis by the commissioner or EPA is deemed certified for fecal coliforms and HPC analysis. The following procedures shall be conducted in accordance with the publications listed as follows:

(1) Total coliform¹ as set forth in the following:

(A) Total coliform fermentation technique^{2, 3, 4}, Method 9221A*, and B*. ~~and C*.~~

(B) Total coliform membrane filter technique^{7, 6}, Method 9222A*, B*, and C*.

(C) ONPG-MUG test membrane⁵, Method 9223*.

(D) Presence-Absence (P-A) coliform test^{4, 7}, Method 9221D*.

(E) Colisure test^{8*}.

(F) E*Colite test*.

(G) m-ColiBlue24 test*.

(H) ReadyCult Coliforms 100 Presence/Absence test*.

(I) Membrane Filter Technique using Chromocult Coliform Agar*.

(J) Colitag test*.

(2) Fecal coliforms¹ as set forth in:

(A) fecal coliform procedure⁹, Method 9221E*; or

(B) fecal coliform filter procedure, Method 9222D.

(3) Heterotrophic bacteria¹, Method 9215B*, pour plate method.

(4) Turbidity as set forth in:

(A) nephelometric method, Method 2130B* or Method 180.1*; or

(B) Great Lakes Instruments method, Method 2*.

(5) Residual disinfectant concentrations for free chlorine and combined chlorine (chloramines) as set forth in the following methods:

(A) Method 4500-Cl D*, amperometric titration method.

(B) Method 4500-Cl F*, DPD ferrous titrimetric method.

(C) Method 4500-Cl G*, DPD colorimetric method.

(D) Method 4500-Cl H*, syringaldazine (FACTS).

(E) DPD colorimetric test kits, if approved by the commissioner.

(F) Free chlorine residuals may be measured continuously by adapting a specified chlorine residual method for use with a continuous monitoring instrument, provided the chemistry, accuracy, and precision remain the same. Instruments used for continuous monitoring must be calibrated with a grab sample measurement at least every five (5) days, or with a protocol approved by the commissioner.

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(6) Residual disinfectant concentrations for ozone by the indigo method, Method 4500-O₃ B*.

(7) Residual disinfectant concentrations for chlorine dioxide must be measured by Method 4500-ClO₂ C, amperometric method, Method 4500-ClO₂ E*, amperometric method, or Method 4500-ClO₂ D*, DPD method.

(8) Residual disinfectant concentrations for total chlorine by the following methods:

(A) Method 4500-Cl D*, amperometric titration.

(B) Method 4500-Cl E*, amperometric titration (low level measurement).

(C) Method 4500-Cl F*, DPD ferrous titrimetric.

(D) Method 4500-Cl I, iodometric electrode.

(E) Method 4500-Cl G*, DPD colorimetric.

(F) Total chlorine residuals may be measured continuously by adapting a specified chlorine residual method for use with a continuous monitoring instrument, provided the chemistry, accuracy, and precision remain the same. Instruments used for continuous monitoring must be calibrated with a grab sample measurement at least every five (5) days, or with a protocol approved by the commissioner.

¹The time from sample collection to initiation of analysis may not exceed **eight (8) thirty (30)** hours. Systems must hold samples below ten (10) degrees Celsius during transit.

²Lactose broth, as commercially available, may be used ~~in lieu~~ **instead** of lauryl tryptose broth if the system conducts at least twenty-five (25) parallel tests between this medium and lauryl tryptose broth using the water normally tested, and this comparison demonstrates that the false-positive rate and false-negative rate for total coliforms using lactose broth, is less than ten percent (10%).

³Media should cover inverted tubes at least one-half (½) to two-thirds (⅔) after the sample is added.

⁴No requirement exists to run the completed phase on ten percent (10%) of all total coliform-positive confirmed tubes.

⁵The ONPG-MUG test is also known as the Autoanalysis Colilert System.

⁶MI Agar may also be used*.

⁷**Six (6) times formulation strength may be used if the medium is filter-sterilized rather than autoclaved.**

⁸**The Colisure test may be read after an incubation time of twenty-four (24) hours.**

⁹^{*}A-1 broth may be held up to three (3) months in a tightly closed screwcap tube at four (4) degrees Celsius.

*The following methods are incorporated by reference:

(1) Methods ~~referenced in this section, except Method 180.1 and the Great Lakes Instruments Method 2, 2130B, 4500-Cl D, 4500-Cl E, 4500-Cl F, 4500-Cl G, 4500-Cl H, 4500-Cl I, 4500-ClO₂ C, 4500-ClO₂ D, 4500-ClO₂ E, 9215B, 9221A, 9221B, 9221D, 9221E, 9222A, 9222B, 9222C, 9222D, and 9223~~ may be found in “18th Edition of Standard Methods for the Examination of Water and Wastewater”, and “19th Edition of Standard Methods for the Examination of Water and

Wastewater”, and “20th Edition of Standard Methods for the Examination of Water and Wastewater”, 1992, and 1995, and 1998 available from the American Public Health Association, 1015 Fifteenth Street, Washington, D.C. 20005. ~~Either edition~~ **The cited methods published in any of these three (3) editions may be used.**

(2) Method 4500-O₃ B may be found in “18th Edition of Standard Methods for the Examination of Water and Wastewater” and “19th Edition of Standard Methods for the Examination of Water and Wastewater”, 1992 and 1995, available from the American Public Health Association, 1014 Fifteenth Street, Washington, D.C. 20005. Either edition may be used.

(3) A description of the Colisure Test, February 28, 1994, may be obtained from IDEXX Laboratories, Inc., One IDEXX Drive, Westbrook, Maine 04092.

(4) A description of the E*Colite test, “Presence/Absence for Coliforms and E. coli in Water”, December 21, 1997, is available from Charm Sciences, Inc., 36 Franklin Street, Malden, Massachusetts 02148-4120.

(5) A description of the m-ColiBlue24 test, August 17, 1999, is available from the Hach Company, 100 Dayton Avenue, Ames, Iowa 50010.

(6) The ReadyCult Coliforms 100 Presence/Absence Test is described in the document “ReadyCult Coliforms 100 Presence/Absence Test for Indication of Coliform Bacteria and Escherichia coli in Finished Waters”, November 2000, Version 1.0, available from EM Science, an affiliate of Merck KggA of Darmstadt, Germany, 480 South Democrat Road, Gibbstown, New Jersey 08027-0342.

(7) Membrane Filter Technique using Chromocult Coliform Agar is described in the document “Chromocult Coliform Agar Presence/Absence Membrane Filter Test Method for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters”, November 2000, Version 1.0, available from EM Science, an affiliate of Merck KggA of Darmstadt, Germany, 480 South Democrat Road, Gibbstown, New Jersey 08027-0342.

(8) Colitag product for the determination of presence/absence of total coliforms and E. coli is described in “Colitag Product as a Test for Detection and Identification of Coliforms and E. coli Bacteria in Drinking Water and Source Water as Required in National Primary Drinking Water Regulations”, August 2001, available from CPI International, Inc., 5580 Skylane Drive, Santa Rosa, California 95403. The telephone number is (800) 878-7654.

(9) Method 180.1 may be found in “Methods for the Determination of Inorganic Substances in Environmental Samples”, EPA-600/R-93-100, August 1993, available from NTIS, PB94-121811, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

(10) The Great Lakes Instrument (GLI) Method 2 may be found in “Turbidity”, November 2, 1992, Great Lakes Instruments, Inc., 8855 North 55th Street, Milwaukee, Wisconsin 53223.

(4)(11) 40 CFR 141.28 may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

These methods are available for copying at the Indiana Department of Environmental Management, Office of Water Quality, 100 North Senate Avenue, Room 1255, Indianapolis, Indiana 46206. (*Water Pollution Control Board; 327 IAC 8-2-8.7; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1025; errata filed Jan 9, 1991, 2:30 p.m.: 14 IR 1070; filed Apr 12, 1993, 11:00 a.m.: 16 IR 2161; filed Aug 25, 1997, 8:00 a.m.: 21 IR 53; errata filed Dec 10, 1997, 3:45 p.m.: 21 IR 1348; filed Jul 23, 2001, 1:02 p.m.: 24 IR 3970; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3207*)

SECTION 10. 327 IAC 8-2-9 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-9 Radium-226, radium-228, gross alpha particle radioactivity, and uranium; maximum contaminant levels

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16
Affected: IC 13-18

Sec. 9. The following are the **maximum contaminant levels MCLs** for radium-226, radium-228, ~~and~~ gross alpha particle radioactivity, **and uranium**:

(1) Combined radium-226 and radium-228: five (5) picocuri per liter. **The combined radium-226 and radium-228 value is determined by the addition of the results of the analysis for radium-226 and the analysis for radium-228.**

(2) Gross alpha particle activity (including radium-226 but excluding radon and uranium): fifteen (15) picocuri per liter.

(3) Uranium: thirty (30) micrograms per liter.

(3)(4) The sampling frequency for the contaminants listed in this section shall be ~~pursuant to~~ **under** section 10.2 of this rule.

(5) The uranium MCL is effective December 8, 2003.

(*Water Pollution Control Board; 327 IAC 8-2-9; filed Sep 24, 1987, 3:00 p.m.: 11 IR 708; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1027; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3209*)

SECTION 11. 327 IAC 8-2-10.1 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-10.1 Analytical methods for radioactivity

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16
Affected: IC 13-18

Sec. 10.1. (a) The following methods shall be used to determine compliance with sections 9 through 10 of this rule, except in cases where alternative methods have been approved in accordance with section 32 of this rule:

(1) One (1) of the following methods shall be used to test for gross alpha and beta¹:

- (A) Method 900.0*.
- (B) Page 1 of "Interim Radiochemical Methodology for Drinking Water*".
- (C) Method 00-01*.
- (D) Page 1 of "Radiochemical Analytical Procedures for

Analysis of Environmental Samples*".

(E) Method 302*.

(F) Method 7110 B*.

(G) Method R-1120-76*.

(2) One (1) of the following methods shall be used to test for gross alpha¹:

(A) Method 00-02*.

(B) Method 7110 C*.

(3) One (1) of the following methods shall be used to test for radium 226:

(A) Method 903.1*.

(B) Method 903.0*.

(C) Page 16 of "Interim Radiochemical Methodology for Drinking Water*".

(D) Page 13 of "Interim Radiochemical Methodology for Drinking Water*".

(E) Method Ra-04*.

(F) Method Ra-03*.

(G) Page 19 of "Radiochemical Analytical Procedures for Analysis of Environmental Samples*".

(H) Method 7500-Ra C*.

(I) Method 304*.

(J) Method 305*.

(K) Method 7500-Ra B*.

(L) Method ~~D 3454-91*~~ **D 3454-97***.

(M) Method ~~D 2460-90*~~ **D 2460-97***.

(N) Method R-1141-76*.

(O) Method ~~R-1142-76*~~ **R-1140-76***.

(P) Method ~~Ra-05*~~ **Ra-04***.

(Q) New York Method*.

(4) One (1) of the following methods shall be used to test for radium 228:

(A) Method 904.0*.

(B) Page 24 of "Interim Radiochemical Methodology for Drinking Water*".

(C) Method Ra-05*.

(D) Page 19 of "Radiochemical Analytical Procedures for Analysis of Environmental Samples*".

~~(E) Method 304*.~~

~~(F) (E) Method 7500-Ra D*.~~

~~(G) (F) Method R-1142-76*.~~

~~(H) (G) New York Method*.~~

(H) New Jersey Method*.

(5) One (1) of the following methods shall be used to test for uranium²:

(A) Method 908.0*.

(B) Method 908.1*.

(C) Method 00-07*.

(D) Page 33 of "Radiochemical Analytical Procedures for Analysis of Environmental Samples*".

(E) **Method 7500-U B*.**

(F) **Method 7500-U C*.**

(G) ~~D 2907-91*~~ **Method D 2907-97***.

(H) ~~D 3972-90*~~ **Method D 3972-97***.

(I) ~~D 5174-91*~~ **Method D 5174-97***.

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- (J) **Method R-1180-76***.
(K) **Method R-1181-76***.
(L) **Method R-1182-76***.
(M) **Method U-04***.
(N) **Method U-02***.
(O) ~~New Jersey Method 200.8*~~.
(P) **Method D 5673-03***.
(Q) **Method 3125***.
- (6) One (1) of the following methods shall be used to test for radioactive cesium:
- (A) Method 901.0*.
(B) Method 901.1*.
(C) Page 92 of "Radiochemical Analytical Procedures for Analysis of Environmental Samples*"
(D) Method 7500-Cs B*.
(E) Method 7120*.
(F) Method D 2459-72*.
(G) Method D 3649-91*.
(H) Method R-1111-76*.
(I) Method R-1110-76*.
(J) Method 4.5.2.3*.
(K) **Page 4 of "Interim Radiochemical Methodology for Drinking Water*"**.
- (7) One (1) of the following methods shall be used to test for radioactive iodine:
- (A) Method 902.0*.
(B) Method 901.1*.
(C) Page 6 of "Interim Radiochemical Methodology for Drinking Water*"
(D) Page 9 of "Interim Radiochemical Methodology for Drinking Water*"
(E) Page 92 of "Radiochemical Analytical Procedures for Analysis of Environmental Samples*"
(F) Method 7500-I B*.
(G) Method 7500-I C*.
(H) Method 7500-I D*.
(I) Method 7120*.
(~~J~~) ~~Method D4785-88*~~.
(~~K~~) **(J) Method 4.5.2.3***.
(K) **Method D 3649-91***.
- (8) One (1) of the following methods shall be used to test for radioactive strontium 89 and 90:
- (A) Method 905.0*.
(B) Page 29 of "Interim Radiochemical Methodology for Drinking Water*"
(C) Method Sr-04*.
(D) Page 65 of "Radiochemical Analytical Procedures for Analysis of Environmental Samples*"
(E) Method 303*.
(F) Method 7500-Sr B*.
(G) Method R-1160-76*.
(H) Method Sr-01*.
(I) Method Sr-02*.
- (9) One (1) of the following methods shall be used to test for tritium:
- (A) Method 906.0*.
(B) Page 34 of "Interim Radiochemical Methodology for Drinking Water*"
(C) Method H-02*.
(D) Page 87 of "Radiochemical Analytical Procedures for Analysis of Environmental Samples*"
(E) Method 306*.
(F) Method 7500-3H B*.
(G) Method D 4107-91*.
(H) Method R-1171-76*.
- (10) One (1) of the following methods shall be used to test for gamma emitters:
- (A) Method 901.1*.
(B) Method 902.0*.
(C) Method 901.0*.
(D) Page 92 of "Radiochemical Analytical Procedures for Analysis of Environmental Samples*"
(E) Method 7120*.
(F) Method 7500-Cs B*.
(G) Method 7500-I B*.
(H) Method D 3649-91*.
(I) Method ~~D 4785-88*~~ **D 4785-91***.
(J) Method R-1110-76*.
(K) Method ~~4.5.2.3*~~ **Ga-01-R***.

¹Natural uranium and thorium-230 are approved as gross alpha calibration standards for gross alpha with coprecipitation and evaporation methods; americium-241 is approved with coprecipitation methods.

²If uranium (U) is determined by mass, a 0.67 pCi/μg of uranium conversion factor must be used. This conversion factor is based on the 1:1 activity ratio of U-235 and U-238 that is characteristic of naturally occurring uranium.

(b) When the identification and measurement of radionuclides other than those listed in subsection (a) is required, the following references are to be used, except in cases where alternative methods have been approved in accordance with section 32 of this rule:

(1) Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions, H.L. Krieger and S. Gold, EPA-R4-73-014, U.S. EPA, Cincinnati, Ohio, May 1973.

(2) HASL Procedure Manual, edited by John H. Harley. HASL 300, ERDA Health and Safety Laboratory, New York, New York 1973.

(c) For the purpose of monitoring radioactivity concentrations in drinking water, the required sensitivity of the radioanalysis is defined in terms of a detection limit. The detection limit shall be that concentration ~~which that~~ can be counted with a precision of plus or minus one hundred percent (100%) at the ninety-five percent (95%) confidence level (one and ninety-six hundredths (1.96) σ where σ is the standard deviation of the net counting rate of the sample). Compliance requirements are as follows:

(1) To determine compliance with section 9(1) of this rule, the detection limit shall not exceed one (1) picocuri per liter.

(2) To determine compliance with section 9(2) of this rule, the detection limit shall not exceed three (3) picocuri per liter.

(3) To determine compliance with section 9(3) of this rule, the detection limit shall not exceed one (1) microgram per liter.

~~(3)~~ **(4) To determine compliance with section 10 of this rule, the detection limits shall not exceed the concentrations listed in the following table:**

Detection limits for manmade beta particle and photon emitters:

Radionuclide	Detection limit
Tritium	1,000 pCi/l
Strontium-89	10 pCi/l
Strontium-90	2 pCi/l
Iodine-131	1 pCi/l
Cesium-134	10 pCi/l
Gross beta	4 pCi/l
Other radionuclides	1/10 of the applicable limit

(d) To determine compliance with the MCL listed in sections 9 through 10 of this rule, averages of data shall be used and shall be rounded to the same number of significant figures as the MCL for the contaminant in question.

*The methods referenced in this section may be obtained as follows:

- (1) Methods 900.0, 903.1, 903.0, 904.0, 908.0, 908.1, 901.0, 901.1, 902.0, 905.0, and 906.0 may be found in "Prescribed Procedures for Measurement of Radioactivity in Drinking Water", EPA 600/4-80-032, August 1980, PB 80-224744. Available from U.S. Department of Commerce, National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, 800-553-6847.
- (2) "Interim Radiochemical Methodology for Drinking Water", EPA 600/4-75-008 (revised), March 1976, PB 253258. Available from U.S. Department of Commerce, National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, 800-553-6847.
- (3) Methods 00-01, 00-02, Ra-04, Ra-03, Ra-05, 00-07, Sr-04, and H-02 may be found in "Radiochemistry Procedures Manual", EPA 520/5-84-006, December 1987, PB 84-215581. Available from U.S. Department of Commerce, National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, 800-553-6847.
- (4) "Radiochemical Analytical Procedures for Analysis of Environmental Samples", March 1979, EMSL LV 053917. Available from U.S. Department of Commerce, National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, 800-553-6847.
- (5) Methods **302, 303, 304, 305, 306, 3125**, 7110 B, 7110 C, **7120**, 7500-Ra C, 7500-Ra B, 7500-Ra D, 7500-U B, 7500-Cs B, 7500-I B, 7500-I C, 7500-I D, 7500-Sr B, **7500-U C**, and 7500-3H B may be found in "Standard Methods for the Analysis of Water and Wastewater", **13th**, 17th, 18th, ~~and~~ 19th, **or 20th** Editions, **1971, 1989, 1992, and 1995, and 1998**. Available from American Public Health Association, 1015 Fifteenth Street NW, Washington, D.C. 20005. **Methods 302, 303, 304, 305, and 306 are only in the 13th Edition. Methods 7110B, 7500-Ra B, 7500-Ra C, 7500-Ra D, 7500-U B,**

7500-Cs B, 7500-I B, 7500-I C, 7500-I D, 7500-Sr B, and 7500-3H C are in the 17th, 18th, 19th, and 20th Editions. Method 7110 C is in the 18th, 19th, and 20th Editions. Method 7500-U C (Fluorometric Uranium) is only in the 17th Edition, and Method 7500-U C (Alpha Spectrometry [*sic.*, Spectrometry]) is only in the 18th, 19th, and 20th Editions. Method 7120 is only in the 19th and 20th Editions. Method 3125 is only in the 20th Edition.

(6) Methods 302, 304, 305, 303, and 306 may be found in "Standard Methods for the Analysis of Water and Wastewater", 13th Edition, 1971. Available from American Public Health Association, 1015 Fifteenth Street N.W., Washington D.C. 20005.

(7) Method 7500-U C may be found in "Standard Methods for the Analysis of Water and Wastewater", 13th and 17th Editions, 1971, 1989. Available from American Public Health Association, 1015 Fifteenth Street N.W., Washington D.C. 20005.

(8) Method 7120 may be found in "Standard Methods for the Analysis of Water and Wastewater", 19th Edition, 1995. Available from American Public Health Association, 1015 Fifteenth Street N.W., Washington D.C. 20005.

(9) (6) Methods D 3454-91, D 2460-90, D2907-91, D 3972-90, D 5174-91, D 2459-72, D 3649-91, D4785-88, and D 4107-91 may be found in Annual Book of ASTM Standards, Vol 11.02, 1994. Available from American Society of Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428. **Any Annual Book containing the cited version of the method may be used.**

(7) Methods D 3454-97, D 2460-97, D 2907-97, D 3972-97, and D 5174-97 may be found in Annual Book of ASTM of ASTM [*sic.*] Standards, Vol. 11.01 and 11.02, 1999. Available from American Society of Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428. **Any Annual Book containing the cited version of the method may be used.**

(8) Method D 5673-03 may be found in Annual Book of ASTM Standards, Vol. 11.02, May 2004. Available from American Society of Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428. **Any Annual Book containing the cited version of the method may be used.**

(+0) (9) Methods R-1120-76, R-1141-76, R-1140-76, R-1142-76, R-1180-76, R-1181-76, R-1182-76, R-1111-76, R-1110-76, R-1160-76, and R-1171-76 may be found in "Methods for Determination of Radioactive Substances in Water and Fluvial Sediments", Chapter A5 in Book 5 of Techniques of Water-Resources Investigations of the United States Geological Survey, 1977. Available from U.S. Geologic Survey (USGS) Information Services, Box 25286, Federal Center, Denver, Colorado 80225-0425.

(+1) (10) Methods U-04, U-2, **Ra-04**, Ra-05, 4.5.2.3, Sr-01, ~~and~~ Sr-02, **and Ga-01-R** may be found in "EML Procedures Manual", 27th Edition, Volume 1, 1990 **or 28th Edition, Volumes 1 and 2, 1997. Either edition may be used. In the**

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27th Edition, Method Ra-04 is listed as Ra-05 and Method Ga-01-R is listed as Sect. 4.5.2.3. Available from Environmental Measurements Laboratory, U.S. Department of Energy (DOE), 376 Hudson Street, New York, New York 10014-3621.

(H2) **(11)** New York Methods may be found in “Determination of Radium-226 and Ra-228 (Ra-02)”, January 1980, Revised June 1982. Available from Radiological Sciences Institute Center for Laboratories and Research, New York State Department of Health, Empire State Plaza, Albany, New York 12201.

(H3) **(12)** New Jersey Method may be found in “Determination of Radium 228 in Drinking Water”, August 1980. Available from State of New Jersey, Department of Environmental Protection, Division of Environmental Quality, Bureau of Radiation and Inorganic Analytical Services, 9 Ewing Street, Trenton, New Jersey 08625.

(13) For uranium ICP-MS Method 200.8, refer to “Determination of Trace Elements in Waters and Wastes by Inductively Coupled Plasma-Mass Spectrometry”, Revision 5.4, published in “Methods for the Determination of Metals in Environmental Samples- Supplement I”, EPA 600-R-94-111, May 1994. Available at NTIS PB 95-125472.

(Water Pollution Control Board; 327 IAC 8-2-10.1; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1028; errata filed Aug 6, 1991, 3:45 p.m.: 14 IR 2258; filed Jul 23, 2001, 1:02 p.m.: 24 IR 3971; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3209)

SECTION 12. 327 IAC 8-2-10.2 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-10.2 Monitoring frequency for radioactivity; community water systems

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16
Affected: IC 13-18

Sec. 10.2. (a) Monitoring requirements for gross alpha particle activity, radium-226, and radium-228, and uranium in community water systems CWS are as follows:

(1) **Initial monitoring requirements for CWSs are as follows:**

(A) CWSs must conduct initial monitoring to determine compliance with section 9 of this rule shall be based on the analysis of an annual composite of four (4) consecutive quarterly samples or the average of the analyses of four (4) samples obtained at quarterly intervals as follows:

(A) A gross alpha particle activity measurement may be substituted for the required radium-226 and radium-228 analysis, provided that the measured gross alpha particle activity does not exceed five (5) picocuri per liter at a confidence level of ninety-five percent (95%) (one and sixty-five hundredths (1.65) σ where σ is the standard deviation of the net counting rate of this sample). In localities where radium-228 may be present in drinking water, it is recommended that the commissioner require radium-226, or radium-228, or both, analyses when the

gross alpha particle activity exceeds two (2) picocuri per liter.

(B) When the gross alpha particle activity exceeds five (5) picocuri per liter, the same or an equivalent sample shall be analyzed for radium-226. If the concentration of radium-226 exceeds three (3) picocuri per liter, the same or an equivalent sample shall be analyzed for radium-228.

(2) Suppliers of water shall monitor at least once every four (4) years following the procedure required by subdivision (1). At the discretion of the commissioner, when an annual record taken in conformance with subdivision (1) has established that the average annual concentration is less than one-half (1/2) the MCL established by section 9 of this rule, analysis of a single sample may be substituted for the quarterly sampling procedure required by subdivision (1) as follows:

(A) More frequent monitoring shall be conducted when ordered by the commissioner in the vicinity of mining or other operations which may contribute alpha particle radioactivity to either surface or ground water sources of drinking water.

(B) A supplier of water shall monitor in conformance with subdivision (1) within one (1) year of the introduction of a new water source for a community water system. More frequent monitoring shall be conducted when ordered by the commissioner in the event of possible contamination, or when changes in the distribution system or treatment processing occur which may increase the concentration of radioactivity in finished water.

(C) A community water system using two (2) or more sources having different concentrations of radioactivity shall monitor source water, in addition to water from a free-flowing tap, when ordered by the commissioner.

(D) Monitoring for compliance with section 9 of this rule after the initial period need not include radium-228 except when required by the commissioner, provided that the average annual concentration of radium-228 has been assayed at least once using the quarterly sampling procedure required by subdivision (1).

(E) Suppliers of water shall conduct monitoring of any community water system in which the radium-226 concentration exceeds three (3) picocuri per liter, when ordered by the commissioner.

(3) If the average annual MCL for gross alpha particle activity or total radium as set forth in section 9 of this rule is exceeded, the supplier for a community water system shall report to the commissioner pursuant to section 13 of this rule and notify the public pursuant to 327 IAC 8-2.1-7 through 327 IAC 8-2.1-16. Monitoring at quarterly intervals shall be continued until the annual average concentration no longer exceeds the MCL or until a monitoring schedule as a condition to an enforcement action shall become effective.

by December 31, 2007. Unless exempted under subdivision (2) or reduced under clause (D), systems must collect four (4) consecutive quarterly samples at all sampling points before December 31, 2007.

(B) For the purposes of monitoring for gross alpha particle activity, radium-226, radium-228, and uranium in drinking water, “detection limit” is as described in section 10.1(c) of this rule.

(C) Applicability and sampling location shall be according to the following:

(i) Every existing CWS or source using ground water or surface water or a system using both ground and surface water (to be known as “system” for purposes of this section) must sample at every entry point to the distribution system that is representative of all sources being used (to be known as “sampling point” for purposes of this section) under normal operating conditions. The system must take each sample at the same sampling point unless conditions make another sampling point more representative of each source.

(ii) Every new CWS or source or CWS that uses a new source of water must conduct initial monitoring for the new source within the first quarter after initiating use of the source.

(iii) A system must conduct more frequent monitoring when ordered by the commissioner in the event of possible contamination or when changes in the distribution system or treatment processes occur that may increase the concentration of radioactivity in finished water.

(D) The commissioner may waive the final two (2) quarters of initial monitoring for a sampling point if the results of the samples from the previous two (2) quarters are below the detection limit.

(E) If the average of the initial monitoring results for a sampling point is above the MCL, the system must collect and analyze quarterly samples at that sampling point until the system has results from four (4) consecutive quarters that are at or below the MCL, unless the system enters into another schedule as part of a formal compliance agreement with the commissioner.

(2) The commissioner may allow historical monitoring data, that which is collected at a sampling point between June 1, 2000, and December 8, 2003, to satisfy the initial monitoring requirements for that sampling point in the following situations:

(A) A CWS having only one (1) entry point to the distribution system may use its acceptable historical monitoring data from the latest sampling conducted during the specified period.

(B) A CWS with multiple entry points and having appropriate historical monitoring data for each entry point to the distribution system may use the monitoring data from the latest sampling conducted during the specified period.

(3) Sampling after completion of the initial monitoring specified in subdivision (1) is once every three (3) years unless reduced by the commissioner as follows:

(A) If the average of the initial monitoring results for each contaminant (gross alpha particle activity, ura-

nium, radium-226, or radium-228) is below the detection limit specified in section 10.1 of this rule, the system must collect and analyze for at least one (1) sample for that contaminant at that sampling point every nine (9) years.

(B) For gross alpha particle activity and uranium, if the average of the initial monitoring results for each contaminant is at or above the detection limit but at or below one-half (½) the MCL:

(i) the system must collect and analyze at least one (1) sample for that contaminant at that sampling point every six (6) years; and

(ii) for combined radium-226 and radium-228, the analytical results must be combined. If the average of the combined initial monitoring results for radium-226 and radium-228 is at or above the detection limit but at or below one-half (½) the MCL, the system must collect and analyze at least one (1) sample for radium-226 and radium-228 that sampling point every six (6) years.

(C) Systems must use the samples collected during the most recent monitoring period to determine the monitoring frequency for subsequent monitoring periods. For example, if a system’s sampling point is on a nine (9) year monitoring period and the sample result is above one-half (½) the MCL, then the next monitoring period for that sampling point is three (3) years.

(D) If a system has a monitoring result that exceeds the MCL while sampling less frequently than quarterly, the system must collect and analyze quarterly samples at that sampling point until the system has results from four (4) consecutive quarters that are below the MCL unless the system enters into another schedule as part of a formal compliance agreement with the commissioner.

(4) To fulfill quarterly monitoring requirements for gross alpha particle activity, radium-226, radium-228, or uranium, a system may composite up to four (4) consecutive quarterly samples from a single entry point if analysis is done within one (1) year of the first sample. The commissioner will treat analytical results from the composited sample as the average analytical result to determine compliance with the MCLs and to determine the future monitoring frequency. If the analytical result from the composited sample is greater than one-half (½) the MCL, the commissioner may direct the system to take additional quarterly samples before allowing the system to sample once every three (3) years.

(5) A gross alpha particle activity measurement may be substituted for the required:

(A) radium-226 measurement provided that the measured gross alpha particle activity does not exceed five (5) pCi/l; and

(B) uranium measurement provided that the measured gross alpha particle activity does not exceed fifteen (15) pCi/l.

The gross alpha measurement shall have a confidence

interval of ninety-five percent (95%) (1.65σ , where σ is the standard deviation of the net counting rate of the sample) for radium-226 and uranium. When a system uses a gross alpha particle activity measurement instead of the measurement for radium-226 or uranium, or both, the gross alpha particle activity analytical result will be used to determine the future monitoring frequency for radium-226 or uranium, or both. If the gross alpha particle activity result is less than detection, one-half ($\frac{1}{2}$) the detection limit will be used to determine compliance and the future monitoring frequency.

(b) For purposes of monitoring requirements for manmade beta particle and photon radioactivity in community drinking water, systems are as follows:

(1) Systems using surface water sources and serving more than one hundred thousand (100,000) persons and such other community water systems as are designated by the commissioner shall be monitored for "detection limit" as described in section 10.1(c) of this rule. To determine compliance with the MCLs in section 10 of this rule by analysis of a composite of four (4) consecutive quarterly samples or analysis of four (4) quarterly samples. Compliance with section 10 of this rule may be assumed without further analysis if the average annual concentration of gross beta particle activity is less than fifty (50) picocuri per liter and if the average annual concentrations of tritium and strontium-90 are less than those listed in the table in section 10 of this rule. Provided, that if both radionuclides are present, the sum of their annual dose equivalents to bone marrow shall not exceed four (4) millirem per year as follows:

(A) If the gross beta particle activity exceeds fifty (50) picocuri per liter an analysis of the sample must be performed to identify the major radioactive constituents present and the appropriate organ and total body doses shall be calculated to determine compliance with section 10 of this rule.

(B) Suppliers of water shall conduct additional monitoring, as ordered by the commissioner, to determine the concentration of manmade radioactivity in principal watersheds designated by the commissioner.

(C) At the discretion of the commissioner, suppliers of water utilizing only ground water may be required to monitor for manmade radioactivity.

(2) Suppliers of water shall monitor at least every four (4) years following the procedure given in subdivision (1).

(3) The supplier for any community water and photon radioactivity, a system designated by the commissioner as utilizing waters contaminated by effluents from nuclear facilities shall initiate quarterly monitoring for gross beta particle and iodine-131 radioactivity and annual monitoring for strontium-90 and tritium must comply with monitoring and sampling frequency requirements as follows:

(1) CWSs (both surface and ground water) designated by the commissioner as vulnerable must sample for beta

particle and photon radioactivity. Systems must collect quarterly samples for beta emitters and annual samples for tritium and strontium-90 at each sampling point beginning within one (1) quarter after being notified by the commissioner of the designation. Designated systems must continue to sample until the commissioner reviews and either reaffirms or removes the designation. If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity at a sampling point has a running annual average (computed quarterly) less than or equal to fifty (50) pCi/l (screening level), the commissioner may reduce the frequency of monitoring at that sampling point to once every three (3) years. A system must continue to collect all other samples required by this subdivision during the reduced monitoring period.

(2) CWSs (both surface and ground water) designated by the commissioner as utilizing waters contaminated by effluents from nuclear facilities must sample for beta particle and photon radioactivity. A system designated under this subdivision must collect quarterly samples for beta emitters and iodine-131 and annual samples for tritium and strontium-90 at each entry point to the distribution system beginning within one (1) quarter after being notified by the commissioner of the designation. A system designated as using waters contaminated by effluents from a nuclear facility must continue to sample until the commissioner reviews and either reaffirms or removes the designation. The following monitoring and frequency of sampling requirements apply to vulnerable systems:

(A) Quarterly monitoring for gross beta particle activity shall be based on the analysis of monthly samples or the analysis of a composite of three (3) monthly samples. The former is recommended. If the gross beta particle activity in a sample exceeds fifteen (15) picocuri per liter, the same or an equivalent sample shall be analyzed for strontium-89 and cesium-134. If the gross beta particle activity exceeds fifty (50) picocuri per liter, an analysis of the sample must be performed to identify the major radioactive constituents present and the appropriate organ and total body doses shall be calculated to determine compliance with section 10 of this rule.

(B) For iodine-131, a composite of five (5) consecutive daily samples shall be analyzed once each quarter. At the direction of the commissioner, more frequent monitoring shall be conducted when iodine-131 is identified in the finished water.

(C) Annual monitoring for strontium-90 and tritium shall be conducted by analysis of a composite of four (4) consecutive quarterly samples or analysis of four (4) quarterly samples. The latter procedure is recommended.

(D) The commissioner may allow the substitution of environmental surveillance data taken in conjunction with a nuclear facility for direct monitoring of manmade radioactivity by the supplier of water where the commissioner determines such data are applicable to a particular community water system.

(4)(D) If the average annual MCL for manmade radioactivity set forth in section 10 of this rule is exceeded, the operator of a community water system shall report to the commissioner pursuant to section 13 of this rule and give notice to the public pursuant to 327 IAC 8-2.1-7 through 327 IAC 8-2.1-16. Monitoring at monthly intervals shall be continued until the concentration no longer exceeds the MCL or until a monitoring schedule as a condition to an enforcement action shall become effective. gross beta particle activity minus the naturally occurring potassium-40 beta particle activity at a sampling point has a running annual average (computed quarterly) less than or equal to fifteen (15) pCi/l (screening level), the commissioner may reduce the frequency of monitoring at that sampling point to once every three (3) years. Systems must collect all samples required in this subdivision during the reduced monitoring period.

(3) CWSs may analyze for naturally occurring potassium-40 beta particle activity from the same or equivalent sample used for the gross beta particle activity analysis. Systems are allowed to subtract the potassium-40 beta particle activity value from the total gross beta particle activity value to determine if the screening level is exceeded. The potassium-40 beta particle activity must be calculated by multiplying elemental potassium concentrations (in mg/l) by a factor of eighty-two hundredths (0.82).

(4) If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity exceeds the appropriate screening level, an analysis of the sample must be performed to identify the major radioactive constituents present in the sample and the appropriate doses must be calculated and summed to determine compliance with section 10 of this rule using the formula in that section. Doses must be calculated and combined for measured levels of major radioactive constituents, tritium, and strontium to determine compliance.

(5) A system must monitor monthly at the sampling point or points that exceed the MCL in section 10 of this rule beginning the month after the exceedance occurs. A system must continue monthly monitoring until the system has established, by a rolling average of three (3) monthly samples, that the MCL is being met. A system that reestablishes compliance with the MCL must return to quarterly monitoring until the requirements set forth in subdivision (1) or (2)(D) are met.

(c) The following general monitoring and compliance requirements for radionuclides apply:

- (1) The commissioner has the discretion to require:
 - (A) more frequent monitoring than specified in subsections (a) and (b); or
 - (B) confirmation samples.

The results of the initial and confirmation samples shall be averaged for use in compliance determinations.

(2) A CWS shall monitor at the time designated by the commissioner during each compliance period.

(3) The following shall be used to determine whether a CWS is in compliance with sections 9 through 10 of this rule:

(A) Analytical results obtained at each sampling point must meet the applicable requirements of sections 9 through 10 of this rule. If one (1) sampling point is in violation of an MCL, the system is in violation of the MCL.

(B) For systems monitoring more than once per year, compliance with the MCL is determined by a running annual average at each sampling point. If the running annual average of any sampling point is greater than the MCL, then the system is out of compliance with the MCL.

(C) For systems monitoring more than once per year, if any single sample result will cause the running average to exceed the MCL at any sample point, the system is out of compliance with the MCL immediately.

(D) A system must include all samples taken and analyzed under this section in determining compliance even if that number is greater than the minimum required.

(E) If a system does not collect all required samples when compliance with the MCL is based on a running annual average of quarterly samples, compliance will be based on the running average of the samples collected.

(F) If a sample result is less than the detection limit, zero (0) shall be used to calculate the annual average, unless a gross alpha particle activity is being used instead of radium-226 or uranium, or both. If the gross alpha particle activity result is less than detection, one-half (½) the detection limit will be used to calculate the annual average.

(4) The commissioner has the discretion to delete results of obvious sampling or analytic errors.

(5) If the MCL for radioactivity set forth in sections 9 through 10 of this rule is exceeded, the operator of a CWS must give notice to the commissioner under section 13 of this rule and to the public as required by 327 IAC 8-2.1-7 through 327 IAC 8-2.1-16.

(Water Pollution Control Board; 327 IAC 8-2-10.2; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1029; errata filed Aug 6, 1991, 3:45 p.m.: 14 IR 2258; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1094; errata filed Feb 22, 2002, 2:01 p.m.: 25 IR 2254; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3212)

SECTION 13. 327 IAC 8-2-10.3 IS ADDED TO READ AS FOLLOWS:

327 IAC 8-2-10.3 Best available technologies, small systems compliance technologies (SSCTs), and compliance technologies by system size category for radionuclides

Authority: IC 13-13-5-1; IC 13-14-8-7; IC 13-18-3-1; IC 13-18-3-2; IC 13-18-6
 Affected: IC 13-14-9

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Sec. 10.3. (a) Pursuant to Section 1412 of the Act, BATs for achieving compliance with sections 9 through 10 of this rule for radionuclides are identified in the following table:

Table 10.3(a)

BAT for Combined Radium-226 and Radium-228, Uranium, Gross Alpha Particle Activity, and Beta Particle and Photon Radioactivity

Contaminant	BAT
Combined radium-226 and radium-228 Uranium	Ion exchange, reverse osmosis, lime softening Ion exchange, reverse osmosis, lime softening, coagulation/filtration
Gross alpha particle activity (excluding radon and uranium)	Reverse osmosis
Beta particle and photon radioactivity	Ion exchange, reverse osmosis

(b) The following table lists the small systems compliance technologies (SSCTs) for radionuclides and limitations of use:

Table 10.3(b)

List of Small Systems Compliance Technologies for Radionuclides and Limitations to Use

Unit Technologies	Limitations (see footnotes)	Operator Skill Level Required ¹	Raw Water Quality Range and Considerations ¹
1. Ion exchange (IE)	(a)	Intermediate	All ground waters.
2. Point of use (POU ²) IE	(b)	Basic	All ground waters.
3. Reverse osmosis (RO)	(c)	Advanced	Surface waters usually require prefiltration.
4. POU ² RO	(b)	Basic	Surface waters usually require prefiltration.
5. Lime softening	(d)	Advanced	All waters.
6. Green sand filtration	(e)	Basic	-----
7. Coprecipitation with barium sulfate	(f)	Intermediate to Advanced	Ground waters with suitable water quality.
8. Electrodialysis/electrodialysis reversal.	---	Basic to Intermediate	All ground waters.
9. Preformed hydrous manganese oxide filtration	(g)	Intermediate	All ground waters.
10. Activated alumina	(a), (h)	Advanced	All ground waters; competing anion concentrations may affect regeneration frequency.
11. Enhanced coagulation/filtration	(i)	Advanced	Can treat a wide range of water qualities.

¹National Research Council (NRC). *Safe Water from Every Tap: Improving Water Service to Small Communities*. National Academy Press. Washington, D.C. 1997.

²A POU, or “point-of-use” technology is a treatment device installed at a single tap used for the purpose of reducing contaminants in drinking water at that one (1) tap. POU devices are typically installed at the kitchen tap. See the April 21, 2000, Federal Register, concerning Notice of Data Availability (NODA) for more details.

Limitations Footnotes: Technologies for Radionuclides:

^aThe regeneration solution contains high concentrations of the contaminant ions. Disposal options should be carefully considered before choosing this technology.

^bWhen POU devices are used for compliance, programs for long term operation, maintenance, and monitoring must be

provided by water utility to ensure proper performance.

^eReject water disposal options should be carefully considered before choosing this technology. See other RO limitations described in, “Small System Compliance Technology List for the Surface Water Treatment Rule”, 1997, EPA 815-R-97-002, Washington, D.C.

^dThe combination of variable source water quality and the complexity of the water chemistry involved may make this technology too complex for small surface water systems.

^eRemoval efficiencies can vary depending on water quality.

^fThis technology may be very limited in application to small systems. Since the process requires static mixing, detention basins, and filtration, it is most applicable to systems with sufficiently high sulfate levels that already have a suitable filtration treatment train in place.

^gThis technology is most applicable to small systems that already have filtration in place.

^hHandling of chemicals required during regeneration and pH adjustment may be too difficult for small systems without an adequately trained operator.

ⁱAssumes modification to a coagulation/filtration process already in place.

(c) The following table lists the compliance technologies by system size category for radionuclide national primary drinking water regulations (NPDWRs):

Table 10.3(c)
Compliance Technologies by System Size Category for Radionuclide NPDWRs
Compliance technologies¹ for system size categories

Contaminant	Compliance technologies ¹ for system size categories (population served)		
	25-500	501-3,300	3,300-10,000
1. Combined radium-226 and radium-228	1, 2, 3, 4, 5, 6, 7, 8, 9	1, 2, 3, 4, 5, 6, 7, 8, 9	1, 2, 3, 4, 5, 6, 7, 8, 9
2. Gross alpha particle activity	3, 4	3, 4	3, 4
3. Beta particle activity and photon activity	1, 2, 3, 4	1, 2, 3, 4	1, 2, 3, 4
4. Uranium	1, 2, 4, 10, 11	1, 2, 3, 4, 5, 10, 11	1, 2, 3, 4, 5, 10, 11

¹Numbers correspond to those technologies found listed in the table in subsection (b).

(Water Pollution Control Board; 327 IAC 8-2-10.3; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3215)

SECTION 14. 327 IAC 8-2-13 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-13 Reporting requirements; test results and failure to comply

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16
Affected: IC 13-18

Sec. 13. (a) Except where a shorter period is specified in this rule, the supplier of water, ~~or the certified laboratory, as certified by the commissioner, provided the supplier of water has granted permission in writing to the laboratory using forms provided by the commissioner, and that permission is on file with the commissioner,~~ shall report to the commissioner the results of any test measurement or analysis required by this rule within **the shorter of the following periods of time:**

- (1) The first ten (10) days following the month in which the result is received. ~~or~~
- (2) The first ten (10) days following the end of the required monitoring period as stipulated by the commissioner. ~~whichever is shorter.~~

(b) **Except where a different reporting period is specified in this rule,** the supplier of water, ~~or the certified laboratory, as certified by the commissioner, provided the supplier of water~~

~~has granted permission in writing to the laboratory using forms provided by the commissioner, and that permission is on file with the commissioner,~~ shall report to the commissioner within ~~forty-eight (48)~~ **twenty-four (24)** hours of completion of laboratory analysis **all drinking water results that indicate positive total coliform results, nitrate results that exceed five (5) milligrams per liter (mg/l), and the failure to comply with any MCL. and any other requirement set forth in this rule** ~~The report must be made by telephone or one (1) of the methods specified in subsection (e). If notification is made by telephone, the results must follow also be reported to the commissioner using one (1) of the methods specified in subsection (e) within forty-eight (48) hours of the telephone notification. If the supplier of water cannot provide the results under this subsection, the supplier of water shall make arrangements with the certified laboratory performing the analysis to submit the results directly to the commissioner using the methods specified in subsection (e).~~

(c) The supplier of water ~~or the certified laboratory, as certified by the commissioner, provided the supplier of water has granted permission in writing to the laboratory using forms provided by~~ **is not required to report analytical results to the commissioner and that permission is on file with the commissioner, shall report when the Indiana state laboratory**

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performs the analysis and reports the results to the commissioner. within (48) hours of completion of laboratory analysis any positive total coliform results by telephone or the methods specified in subsection (c). If notification is made by telephone, the results must follow using one (1) of the methods specified in subsection (c) within forty-eight (48) hours of the telephone notification.

(d) The supplier of water, within ten (10) days of completing the public notification required by 327 IAC 8-2.1-7 through ~~327 IAC 8-2.1-16~~, **327 IAC 8-2.1-17**, for the initial public notice and any repeat notices, shall submit to the commissioner a certification that it has fully complied with the public notification regulations. The public water system must include with this certification a representative copy of each type of notice distributed, published, posted, or made available to the persons served by the system or to the media.

(e) The submittal of the information required under this section shall be submitted in one (1) of the following manners:

- (1) Mail.
- (2) Facsimile.
- (3) Electronic mail.
- (4) Hand delivery.
- (5) Other means determined by the commissioner to provide the degree of:
 - (A) confidentiality;
 - (B) reliability;
 - (C) convenience; and
 - (D) security;

appropriate to the information to be submitted.
(Water Pollution Control Board; 327 IAC 8-2-13; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1030; filed Jul 23, 2001, 1:02 p.m.: 24 IR 3974; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1096; errata filed Feb 22, 2002, 2:01 p.m.: 25 IR 2254; filed May 1, 2003, 12:00 p.m.: 26 IR 2817; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3217)

SECTION 15. 327 IAC 8-2-34 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-34 Maximum contaminant level goals; inorganic contaminants

Authority: IC 13-13-5-1; IC 13-14-8-7; IC 13-18-3-1; IC 13-18-3-2; IC 13-18-6
 Affected: IC 13-14-9

Sec. 34. MCLGs for the following contaminants are as indicated:

Contaminant	MCLG in Milligrams per Liter
Fluoride	4.0
Asbestos	7 million fibers per liter (longer than 10 micrometers)
Barium	2
Cadmium	0.005

Chromium	0.1
Copper	1.3
Lead	0
Mercury	0.002
Nitrate	10 (as nitrogen)
Nitrite	1 (as nitrogen)
Total nitrate + nitrite	10 (as nitrogen)
Selenium	0.05
Antimony	0.006
Arsenic	0¹
Beryllium	0.004
Cyanide (as free cyanide)	0.2
Nickel	0.1
Thallium	0.0005

¹**This value for arsenic is effective January 1, 2006. Until then, there is no MCLG.**

(Water Pollution Control Board; 327 IAC 8-2-34; filed Aug 24, 1994, 8:15 a.m.: 18 IR 67; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3218)

SECTION 16. 327 IAC 8-2-34.1 IS ADDED TO READ AS FOLLOWS:

327 IAC 8-2-34.1 Maximum contaminant level goals; radionuclides

Authority: IC 13-13-5-1; IC 13-14-8-7; IC 13-18-3-1; IC 13-18-3-2; IC 13-18-6
 Affected: IC 13-14-9

Sec. 34.1. MCLGs for the following contaminants are as indicated:

Contaminant	MCLG
Combined radium-226 and radium-228	0
Gross alpha particle activity (excluding radon and uranium)	0
Beta particle and photon radioactivity	0
Uranium	0

(Water Pollution Control Board; 327 IAC 8-2-34.1; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3218)

SECTION 17. 327 IAC 8-2-45 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-45 Analytical methods; lead and copper

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16
 Affected: IC 13-11-2; IC 13-14-8; IC 13-18-1; IC 13-18-2

Sec. 45. (a) Analysis for lead, copper, pH, conductivity, calcium, alkalinity, orthophosphate, silica, and temperature shall be conducted using the following methods:

- (1) Lead as follows:
 - (A) Atomic absorption; furnace technique, Method D 3559-90D^{1*}, Method D 3559-96*, or Method 3113B^{1*}.

- (B) Inductively-coupled plasma; mass spectrometry, Method 200.8*.
- (C) Atomic absorption; platform furnace technique, Method 200.9*.
- (D) Differential pulse anodic stripping voltammetry, Method 1001*.
- (2) Copper as follows:
- (A) Atomic absorption; furnace technique, Method D 1688-90C*, Method D 1688-95C*, or Method 3113B*.
- (B) Atomic absorption; direct aspiration, Method D 1688-90A*, Method D 1688-95A*, or Method 3111B*.
- (C) Inductively-coupled plasma; Method 200.7* or Method 3120B*.
- (D) Inductively-coupled plasma; mass spectrometry, Method 200.8*.
- (E) Atomic absorption; platform furnace, Method 200.9*.
- (3) pH, electrometric, Method 150.1*, Method 150.2*, Method D 1293-84*, Method D 1293-95*, or Method 4500-H⁺-B*.
- (4) Conductivity, conductance, Method D 1125-91A*, Method D 1125-95A*, or Method 2510B*.
- (5) Calcium as follows:
- (A) EDTA titrimetric, Method D 511-93A* or Method 3500-Ca-D*.
- (B) Atomic absorption; direct aspiration, Method D 511-93B* or Method 3111-B*.
- (C) Inductively-coupled plasma, Method 200.7 or Method 3120B*.
- (6) Alkalinity as follows:
- (A) Titrimetric, Method D 1067-92B* or Method 2320B.
- (B) Electrometric titration, Method I-1030-85*.
- (7) Orthophosphate, unfiltered, no digestion or hydrolysis as follows:
- (A) Colorimetric, automated, ascorbic acid, Method 365.1* or Method 4500-P-F*.
- (B) Colorimetric, ascorbic acid, single reagent, Method D 515-88A* or Method 4500-P-E*.
- (C) Colorimetric, phosphomolybdate, Method I-1601-85* or automated-segmented flow, Method I-2601-90*, or automated discrete, Method I-2598-85*.
- (D) Ion chromatography, Method 300.0*, Method ~~D 4327-91*~~, **D 4327-97***, or Method 4110B*.
- (8) Silica as follows:
- (A) Colorimetric, molybdate blue, Method I-1700-85 or automated-segmented flow, Method I-2700-85*.
- (B) Colorimetric, Method D 859-88* or Method D 859-95*.
- (C) Molybdosilicate, Method 4500-Si-D* **or Method 4500-SiO₂ C***.
- (D) Heteropoly blue, Method 4500-Si-E* **or Method 4500-SiO₂ D***.
- (E) Automated method for molybdate-reactive silica, Method 4500-Si-F* **or Method 4500-SiO₂ E***.
- (F) Inductively-coupled plasma, Method 200.7* or Method 3120B*.

(9) Temperature, thermometric, Method 2550*.

¹Because MDLs reported in EPA Methods 200.7 and 200.9 were determined using a 2× preconcentration step during sample digestion, MDLs determined when samples are analyzed by direct analysis, that is, no sample digestion, will be higher. Preconcentration may be required to direct analysis of lead by Method 200.9, Method 3113 B, and Method D 3559-90D unless multiple in-furnace depositions are made.

(b) Analyses for alkalinity, calcium, conductivity, orthophosphate, pH, silica, and temperature may be performed by any person acceptable to the commissioner. Analyses under this section for lead and copper shall only be conducted by laboratories that have been certified by the EPA or the commissioner. To obtain certification to conduct analysis for lead and copper, laboratories must do the following:

(1) Successfully analyze performance evaluation (PE) samples ~~which that~~ include lead and copper provided by or acceptable to EPA or the commissioner at least once each year by each method for which the laboratory desires certification.

(2) Achieve quantitative acceptance limits as follows:

(A) For lead, plus or minus thirty percent (30%) of the actual amount in the ~~performance evaluation PE~~ sample when the actual amount is greater than or equal to ~~five-thousandths (0.005)~~ **five-hundredths (0.05)** milligram per liter.

(B) For copper, plus or minus ten percent (10%) of the actual amount in the ~~performance evaluation PE~~ sample when the actual amount is greater than or equal to five-thousandths (0.005) milligram per liter.

(3) Achieve the method detection limit for lead of one-thousandth (0.001) milligram per liter according to the procedures in Appendix B of 40 CFR 136 (July 1, 1991). This need only be done if the laboratory will be processing source water composite samples under section 39 of this rule.

(4) Be currently certified by EPA or the state to perform analyses to the specifications described in subsection (a)(2).

(c) The commissioner has the authority to allow the use of previously collected monitoring data for purposes of monitoring if the data were collected and analyzed in accordance with ~~the requirements of~~ sections 36 through 44 of this rule, this section, and sections 46 and 47 of this rule.

(d) All lead levels measured between the practical quantitation level and the method detection limit must be either reported as measured or they can be reported as one-half (½) the practical quantitation level (twenty-five ~~thousandths (0.025)~~ **ten-thousandths (0.0025)** milligram per liter). All levels below the lead method detection level must be reported as zero (0).

(e) All copper levels measured between the practical quantitation level and the method detection limit must be either reported as measured or they can be reported as one-half (½) the practical quantitation level (twenty-five thousandths (0.025)

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milligram per liter). All levels below the copper method detection limit must be reported as zero (0).

¹For analyzing lead and copper, the technique applicable to total metals must be used and samples cannot be filtered.

*Methods referenced in this section may be obtained as follows:

(1) Methods 150.1 and 150.2, may be found in "Methods for Chemical Analysis of Water and Wastes", EPA/600/4-79/020, March 1983, available from NTIS, PB84-128677, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

(2) Methods 200.7, 200.8, and 200.9 may be found in "Methods for the Determination of Metals in Environmental Samples-Supplement 1", EPA-600/R-94-111, May 1994, available from NTIS, PB95-125472, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

(3) Methods D3559-90D, D1688-90C, D1688-90A, D1293-84, D1125-91A, and D859-88 may be found in "Annual Book of ASTM Standards", Vols. 11.01, 1994, American Society for Testing and Materials, available from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428. **Any year containing the cited version of the method may be used.**

(4) Methods D1067-92B, D511-93A, D511-93B, D1688-95C, D1688-95A, D1125-95A, D3559-96, D515-88A, D4327-91, D1293-95, and D859-95 may be found in "Annual Book of ASTM Standards, Vols. 11.01 and 11.02, 1994 and 1996, available from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428. **Any year containing the cited version of the method may be used.**

(5) Methods ~~2320B~~, 3113B, ~~3111B~~, ~~3120B~~, ~~4500-H⁺-B~~, ~~2510B~~, ~~3500-Ca-D~~, ~~2320B~~, ~~4500-P-F~~, ~~4500-P-E~~, ~~4110B~~, ~~4500-Si-D~~, ~~4500-Si-E~~, and ~~4500-Si-F~~ and ~~2550~~ may be found in "Standard Methods for the Examination of Water and Wastewater", 18th Edition, 1992, and "Standard Methods for the Examination of Water and Wastewater", 19th Edition, 1995, American Public Health Association, available from the American Public Health Association, 1015 Fifteenth Street NW, Washington, D.C. 20005. Either edition may be used.

(6) Methods 2320B, 3111B, 3120B, 4500-H⁺-B, 2510B, 3500-Ca-D, 2320B, 4500-P-F, 4500-P-E, 4110B, and 2550 may be found in "Standard Methods for the Examination of Water and Wastewater", 18th Edition, 1992, and "Standard Methods for the Examination of Water and Wastewater", 19th Edition, 1995, and "Standard Methods for the Examination of Water and Wastewater", 20th Edition, 1998, American Public Health Association, available from the American Public Health Association, 1015 Fifteenth Street NW, Washington, D.C. 20005. The cited methods published in any of the three (3) editions may be used.

(7) Methods 4500-SiO₂ C, 4500-SiO₂ D, and 4500-SiO₂ E may be found in "Standard Methods for the Examination of Water and Wastewater", 20th Edition, 1998, American Public Health Association, 1015 Fifteenth Street NW,

Washington, D.C. 20005.

~~(6)~~ **(8)** Methods I-1030-85, I-1601-85, I-2598-85, I-1700-85, and I-2700-85 may be found in "Techniques of Water Resources Investigation of the U.S. Geological Survey", Book 5, Chapter A-1, 3rd Edition, 1989, available from Information Services, U.S. Geological Survey, Federal Center, Box 25286, Denver, Colorado 80225-0425.

~~(7)~~ **(9)** Method I-2601-90 may be found in "Methods for Analysis by the U.S. Geological Survey National Water Quality Laboratory - Determination of Inorganic and Organic Constituents in Water and Fluvial Sediments", Open File Report 93-125, 1993, available from Information Services, U.S. Geological Survey, Federal Center, Box 25286, Denver, Colorado 80225-0425.

~~(8)~~ **(10)** Methods 365.1 and 300.0 may be found in "Methods for the Determination of Inorganic Substances in Environmental Samples", EPA-600/R-93-100, August 1993, available from NTIS, PB94-120821, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

~~(9)~~ **(11)** Method 1001 is available from Palintest, LTC, 21 Kenton Lands Road, P.O. Box 18395, Erlanger, Kentucky 41018 or from the Hach Company, P.O. Box 389, Loveland, Colorado 80539-0389.

These methods are also available for copying at the Indiana Department of Environmental Management, Office of Water Quality, 100 North Senate Avenue, Room 1255, Indianapolis, Indiana 46206. (*Water Pollution Control Board; 327 IAC 8-2-45; filed Aug 24, 1994, 8:15 a.m.: 18 IR 82; errata filed Oct 11, 1994, 2:45 p.m.: 18 IR 532; filed Aug 25, 1997, 8:00 a.m.: 21 IR 72; errata filed Dec 10, 1997, 3:45 p.m.: 21 IR 1349; filed Jul 23, 2001, 1:02 p.m.: 24 IR 3978; errata filed Jul 25, 2001, 3:25 p.m.: 24 IR 3991; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3218*)

SECTION 18. 327 IAC 8-2-46 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-46 Reporting requirements; lead and copper

Authority: IC 13-13-5; IC 13-14-8-7; IC 13-14-9; IC 13-18-3; IC 13-18-16
Affected: IC 13-18

Sec. 46. (a) Reporting requirements for tap water monitoring for lead and copper and for water quality parameter monitoring shall be as follows:

(1) Except as provided in clause (G), a water system shall report the following information for all tap water samples within the first ten (10) days following the end of each applicable monitoring period specified in sections 37 and 38 of this rule, that is, every six (6) months, annually, every three (3) years, or every nine (9) years:

(A) The results of all tap samples for lead and copper, including the location of each site and the criteria under section 37(a)(3) through 37(a)(7) of this rule, or any under which the site was selected for the system's sampling pool.

(B) Documentation for each tap water lead or copper sample for which the system requests an invalidation pursuant to under section 37(f)(2) of this rule.

(C) The ninetieth percentile lead and copper concentrations measured from among all lead and copper tap samples collected during each monitoring period (calculated in accordance with section 36(c)(3) of this rule unless the commissioner calculates the system's ninetieth percentile lead and copper levels under subsection (h)).

(D) With the exception of initial tap sampling conducted under section 37(d)(1) of this rule, the system shall designate any site ~~which that~~ was not sampled during previous monitoring periods and include an explanation of why sampling sites have changed.

(E) The results of all tap samples for pH and, where applicable, alkalinity, calcium, conductivity, temperature, and orthophosphate or silica collected under section 38(c) through 38(f) of this rule.

(F) The results of all samples collected at the entry point to the distribution system for applicable water quality parameters under section 38(c) through 38(f) of this rule.

(G) A water system shall report the results of all water quality parameter samples collected under section 38(c) through 38(f) of this rule during each six (6) month monitoring period specified in section 38(d) of this rule within the first ten (10) days following the end of the monitoring period unless the commissioner has specified a more frequent reporting requirement.

(2) For a ~~nontransient noncommunity water system an NTNCWS~~ or a ~~community water system CWS~~ meeting the criteria of section 44(c)(7)(A) and 44(c)(7)(B) of this rule that does not have enough taps that can provide first-draw samples, the system must do either of the following:

(A) Provide written documentation to the commissioner identifying standing times and locations for enough nonfirst-draw samples to make up its sampling pool under section 37(b)(5) of this rule by the start of the first applicable monitoring period under section 37(d) of this rule that commences after April 11, 2000, unless the commissioner has waived prior approval of nonfirst-draw sample sites selected by the system ~~pursuant to under~~ section 37(b)(5) of this rule.

(B) If the commissioner has waived prior approval of nonfirst-draw sample sites selected by the system, identify, in writing, each site that did not meet the six (6) hour minimum standing time and the length of the standing time for that particular substitute sample collected ~~pursuant to under~~ section 37(b)(5) of this rule and include this information with the lead and copper tap sample results required to be submitted ~~pursuant to under~~ subdivision (1)(A).

(3) No later than sixty (60) days after the addition of a new source or any change in water treatment unless the commissioner requires earlier notification, a water system deemed to have optimized corrosion control under section 40(b)(3) of this rule, a water system subject to reduced monitoring ~~pursuant to under~~ section 37(d)(4) of this rule, or a water system subject to a monitoring waiver ~~pursuant to under~~ section 37(g) of this rule, shall send written documentation to

the commissioner describing the change. In those instances where prior approval by the commissioner of the treatment change or new source is not required, water systems are encouraged to provide the notification to the commissioner beforehand to minimize the risk the treatment change or new source will adversely affect optimal corrosion control.

(4) Any small system applying for a monitoring waiver under section 37(g) of this rule, or subject to a waiver granted ~~pursuant to under~~ section 37(g)(3) of this rule, shall provide the following information to the commissioner in writing by the specified deadline:

(A) By the start of the first applicable monitoring period in section 37(d) of this rule, any small water system applying for a monitoring waiver shall provide the documentation required to demonstrate that it meets the waiver criteria of section 37(g)(1) and 37(g)(2) of this rule.

(B) No later than nine (9) years after the monitoring previously conducted ~~pursuant to under~~ section 37(g)(2) or 37(g)(4)(A) of this rule, each small system desiring to maintain its monitoring waiver shall provide the information required by section 37(g)(4)(A) and 37(g)(4)(B) of this rule.

(C) No later than sixty (60) days after ~~it~~ **the public water system** becomes aware that it is no longer free of lead or copper containing materials, or both, each small system with a monitoring waiver shall provide written notification to the commissioner, setting forth the circumstances resulting in the lead or copper containing materials, or both, being introduced into the system and what corrective action, if any, the system plans to remove these materials.

(D) By October 10, 2000, any small system with a waiver granted prior to April 11, 2000, and that has not previously met the requirements of section 37(g)(2) of this rule shall provide the information required.

(5) Each ground water system that limits water quality parameter monitoring to a subset of entry points under section 38(d)(3) of this rule shall provide, by the commencement of such monitoring, written correspondence to the commissioner that identifies the selected entry points and includes information sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the system.

(b) Source water monitoring reporting requirements shall be as follows:

(1) A water system shall report the sampling results for all source water samples collected in accordance with section 39 of this rule within the first ten (10) days following the end of each source water monitoring period, that is, annually, per compliance period, per compliance cycle, specified in section 39 of this rule.

(2) With the exception of the first round of source water sampling conducted under section 39(b) of this rule, the system shall specify any site ~~which that~~ was not sampled during previous monitoring periods and include an explanation of why the sampling point has changed.

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(c) This subsection establishes requirements for corrosion control treatment reporting. By the applicable dates under section 40 of this rule, systems shall report the following information:

- (1) For systems demonstrating that they already have optimized corrosion control, information required in section 40(b)(2) or 40(b)(3) of this rule.
- (2) For systems required to optimize corrosion control, their recommendation regarding optimal corrosion control treatment under section 41(a) of this rule.
- (3) For systems required to evaluate the effectiveness of corrosion control treatments under section 41(c) of this rule, the information required under that subsection.
- (4) For systems required to install optimal corrosion control designated by the commissioner under section 41(d) of this rule, a letter certifying that the system has completed installing that treatment.

(d) This subsection establishes requirements for source water treatment reporting. By the applicable dates in section 42 of this rule, systems shall provide the following information to the commissioner:

- (1) If required under section 42(b)(1) of this rule, their recommendation regarding source water treatment.
- (2) For systems required to install source water treatment under section 42(b)(2) of this rule, a letter certifying that the system has completed installing the treatment designated by the commissioner within twenty-four (24) months after the commissioner designated the treatment.

(e) This subsection establishes requirements for lead service line replacement reporting. Systems shall report the following information to the commissioner to demonstrate compliance with the requirements of section 43 of this rule:

- (1) Within twelve (12) months after a system exceeds the lead action level in sampling referred to in section 43(a) of this rule, the system shall demonstrate in writing to the commissioner that it has conducted a material evaluation, including the evaluation in section 37(a) of this rule, to identify the initial number of lead service lines in its distribution system, and shall provide the commissioner with the system's schedule for replacing annually at least seven percent (7%) of the initial number of lead service lines within its distribution system.
- (2) Within twelve (12) months after a system exceeds the lead action level in sampling referred to in section 43(a) of this rule, and every twelve (12) months thereafter, the system shall demonstrate to the commissioner in writing that the system has done either of the following:
 - (A) Replaced in the previous twelve (12) months, at least seven percent (7%) of the initial lead service lines (or a greater number of lines specified by the commissioner under section 43(e) of this rule) in its distribution system.
 - (B) Conducted sampling **which that** demonstrates that the lead concentration in all service line samples from an individual line, taken under section 37(b)(3) of this rule, is

less than or equal to fifteen-thousandths (0.015) milligram per liter. In such cases, the total number of lines replaced and **which that** meet the criteria in section 43(b) of this rule shall equal at least seven percent (7%) of the initial number of lead lines identified under subsection (a) (or the percentage specified by the commissioner under section 43(e) of this rule).

(3) The annual letter submitted to the commissioner under subdivision (2) shall contain the following information:

- (A) The number of lead service lines scheduled to be replaced during the previous year of the system's replacement schedule.
- (B) The number and location of each lead service line replaced during the previous year of the system's replacement schedule.
- (C) If measured, the water lead concentration and location of each service line sampled, the sampling method, and the date of sampling.

(4) Any system that collects lead service line samples following partial lead service line replacement required by section 43 of this rule shall report the results to the commissioner within the first ten (10) days of the month following the month when the system receives the laboratory results or as specified by the commissioner. A system shall also report any additional information as specified by the commissioner. The results shall be reported in the time and manner prescribed by the commissioner to verify that all partial lead service line replacement activities have taken place.

(f) The following are requirements for public education program reporting:

(1) Any water system that is subject to the public education requirements in section 44 of this rule shall, within ten (10) days after the end of each period in which the system is required to perform public education tasks in accordance with section 44(c) of this rule, send written documentation to the commissioner that contains the following information:

- (A) A demonstration that the system has delivered the public education materials that meet the content requirements in section 44(a) and 44(b) of this rule and the delivery requirements in section 44(c) of this rule.
- (B) A list of all the:

- (i) newspapers;
- (ii) radio stations;
- (iii) television stations;
- (iv) facilities; and
- (v) organizations;

to which the system delivered public education materials during the period in which the system was required to perform the public education tasks.

(2) Unless required by the commissioner, a system that previously submitted the information required by subdivision (1)(B) **need not resubmit the information required** as long as there have been no changes in the distribution list and the system certifies that the public education materials were distributed to the same list submitted previously.

(g) Any system that collects sampling data in addition to that required by sections 36 through 45 of this rule, this section, and section 47 of this rule shall report the results to the commissioner within the first ten (10) days following the end of the applicable monitoring period under sections 37 through 39 of this rule during which the samples are collected.

(h) A water system is not required to report the ninetieth percentile lead and copper concentrations measured from among all lead and copper tap water samples collected in each monitoring period as required by subsection (a)(1)(C) if the following conditions are met:

(1) The commissioner has previously notified the water system that it will calculate the water system's ninetieth percentile lead and copper concentrations, based on the lead and copper results submitted pursuant to ~~under~~ subdivision (2)(A), and has specified a date before the end of the applicable monitoring period by which the system must provide the results of lead and copper tap water samples.

(2) The system has provided the following information to the commissioner by the date specified in subdivision (1):

(A) The results of all tap samples for lead and copper including the location of each site and the criteria under section 37(a)(3), 37(a)(4), 37(a)(5), 37(a)(6), or 37(a)(7) of this rule, under which the site was selected for the system's sampling pool pursuant to ~~under~~ subsection (a)(1)(A).

(B) An identification of the sampling sites utilized during the current monitoring period that were not sampled during previous monitoring periods and an explanation why sampling sites have changed.

(3) The commissioner has provided the results of the ninetieth percentile lead and copper calculations, in writing, to the water system before the end of the monitoring period.

(i) The information required by this section shall be submitted to the commissioner using the methods specified in section 13(e) of this rule. (*Water Pollution Control Board; 327 IAC 8-2-46; filed Aug 24, 1994, 8:15 a.m.: 18 IR 84; filed Oct 24, 1997, 4:30 p.m.: 21 IR 945; filed Jul 23, 2001, 1:02 p.m.: 24 IR 3980; filed Oct 26, 2001, 4:55 p.m.: 25 IR 784; errata filed Oct 30, 2001, 10:50 a.m.: 25 IR 813; errata filed Feb 22, 2002, 1:59 p.m.: 25 IR 2254; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3220*)

SECTION 19. 327 IAC 8-2.1-3 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2.1-3 Content of the reports

Authority: IC 13-13-5-1; IC 13-13-5-2; IC 13-18-16-6; IC 13-18-16-7; IC 13-18-16-9
 Affected: IC 13-18-16

Sec. 3. (a) A ~~community water system~~ CWS shall provide to its customers an annual report that contains the information specified in this section and section 4 of this rule.

(b) The report must contain information on the source of the water delivered, including the following:

(1) The source or sources of water delivered by the ~~community water system~~ CWS by including information on ~~the~~:

(A) ~~the~~ type of water, such as surface water or ground water; and

(B) the commonly used name, if any; and

(C) location of the body or bodies of water.

(2) If a source water assessment has been completed, the report must notify the consumers of the availability of this information and the means to obtain it. In addition, systems are encouraged to highlight in the report significant sources of contamination in the source water area if they have readily available information. Where a system has received a source water assessment from the commissioner, the report must include a brief summary of the system's susceptibility to potential sources of contamination, using language provided by the commissioner or written by the operator.

(c) The report must include the following definitions:

~~(1) "Maximum contaminant level goal" or "MCLG" means the level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.~~

~~(2) (1) "Maximum contaminant level" or "MCL" means the highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.~~

(2) "Maximum contaminant level goal" or "MCLG" means the level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

(d) A report that contains data on contaminants that the department or EPA regulates and uses any of the following terms must include definitions, as applicable, of the terms used:

~~(1) "Treatment technique" means a required process intended to reduce the level of a contaminant in drinking water.~~

~~(2) (1) "Action level" means the concentration of a contaminant that, if exceeded, triggers treatment or other requirements that a water system shall follow.~~

(2) "Maximum residual disinfectant level" or "MRDL" means the highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

(3) "Maximum residual disinfectant level goal" or "MRDLG" means the level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLG does not reflect the benefits of the use of disinfectants to control microbial contaminants.

(4) "Treatment technique" means a required process intended to reduce the level of a contaminant in drinking water.

(e) A report must include the information specified in this subsection for the following contaminants subject to mandatory monitoring, other than *Cryptosporidium*:

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- (1) Contaminants subject to an MCL, action level, or treatment technique, hereafter referred to as regulated contaminants.
 - (2) Disinfection byproducts or microbial contaminants for which monitoring is required by 40 CFR 141.142* and 40 CFR 141.143*, except as provided in subsection ~~(c)(1)~~; **(f)(1)** and that are detected in the finished water.
 - (3) The data relating to these contaminants must be displayed in one (1) table or in several adjacent tables. Any additional monitoring results that a **community water system CWS** chooses to include in its report must be displayed separately.
 - (4) The data must be derived from data collected to comply with EPA and department monitoring and analytical requirements during calendar year 1998 for the first report and subsequent calendar years thereafter, except the following:
 - (A) Where a system is allowed to monitor for regulated contaminants less often than once a year, the table or tables must include the date and results of the most recent sampling, and the report must include a brief statement indicating that the data presented in the report are from the most recent testing done in accordance with ~~the regulations~~; **327 IAC 8-2, 327 IAC 8-2.5, 327 IAC 8-2.6, and 40 CFR 141**. No data older than five (5) years need be included.
 - (B) Results of monitoring in compliance with 40 CFR 141.142* and 40 CFR 141.143* need only be included:
 - (i) for five (5) years from the date of the last sample; or
 - (ii) until any of the detected contaminants becomes regulated and subject to routine monitoring requirements; whichever comes first.
 - (5) For detected regulated contaminants listed in section 6(a) of this rule, the table or tables must contain the following information:
 - (A) The MCL for that contaminant expressed as a number equal to or greater than one and zero tenths (1.0), as listed in section 6(a) of this rule.
 - (B) The MCLG for that contaminant expressed in the same units as the MCL.
 - (C) If there is no MCL for a detected contaminant, the table must indicate that there is a treatment technique, or specify the action level, applicable to that contaminant, and the report shall include the definitions for treatment technique or action level, or both, as appropriate, specified in subsection ~~(c)(4)~~; **(d)**.
 - (D) For contaminants subject to an MCL, except turbidity and total coliforms, the highest contaminant level used to determine compliance with this rule and the range of detected levels as follows:
 - (i) When compliance with the MCL is determined annually or less frequently, the highest detected level at any sampling point and the range of detected levels expressed in the same units as the MCL.
 - (ii) When compliance with the MCL is determined by calculating a running annual average of all samples taken at a sampling point, the highest average of any of the sampling points and the range of all sampling points expressed in the same units as the MCL.
 - (iii) When compliance with the MCL is determined on a system-wide basis by calculating a running annual average of all samples at all sampling points, the average and range of detection expressed in the same units as the MCL.
 - (E) When turbidity is reported ~~pursuant to~~ **under** 327 IAC 8-2-8.8 or 327 IAC 8-2.6-3, the highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits specified in 327 IAC 8-2-8.8 or 327 IAC 8-2.6-3 for the filtration technology being used. The report must include an explanation of the reasons for measuring turbidity.
 - (F) For lead and copper, the ninetieth percentile value of the most recent round of sampling and the number of sampling sites exceeding the action level.
 - (G) For total coliform, the highest monthly:
 - (i) number of positive samples for systems collecting fewer than forty (40) samples per month; or
 - (ii) percentage of positive samples for systems collecting at least forty (40) samples per month.
 - (H) For fecal coliform, the total number of positive samples.
 - (I) The likely source or sources of detected contaminants to the best of the operator's knowledge. Specific information regarding contaminants may be available in sanitary surveys and source water assessments and must be used when available to the operator. If the operator lacks specific information on the likely source, the report must include one (1) or more of the typical sources for that contaminant listed in section 6(b) of this rule that are most applicable to the system.
- (6) If a **community water system CWS** distributes water to its customers from multiple hydraulically independent distribution systems that are fed by different raw water sources:
 - (A) the table must contain a separate column for each service area, and the report must identify each separate distribution system; or
 - (B) the system may produce separate reports tailored to include data for each service area.
 - (7) The table must clearly identify any data indicating violations of MCLs or treatment techniques, and the report must contain a clear and readily understandable explanation of the violation, including:
 - (A) the length of the violation;
 - (B) the potential adverse health effects; and
 - (C) actions taken by the system to address the violation.To describe the potential health effects, the system shall use the relevant language of section 6(c) of this rule.
 - (8) For detected unregulated contaminants for which monitoring is required (except Cryptosporidium), the table must contain the average and range at which the contaminant was detected. The report may include a brief explanation of the reasons for monitoring for unregulated contaminants.**

(f) Each report must contain the following information on Cryptosporidium, radon, and other contaminants:

(1) If the system has performed any monitoring for Cryptosporidium, including monitoring performed to satisfy the requirements of 40 CFR 141.143*, that indicates Cryptosporidium may be present in the source water or the finished water, the report must include:

- (A) a summary of the results of the monitoring; and
- (B) an explanation of the significance of the results.

(2) If the system has performed any monitoring for radon that indicates radon may be present in the finished water, the report must include:

- (A) the results of the monitoring; and
- (B) an explanation of the significance of the results.

(3) If the system has performed additional monitoring that indicates the presence of other contaminants in the finished water, the commissioner strongly encourages systems to report any results that may indicate a health concern. To determine if results may indicate a health concern, the commissioner recommends that systems find out if EPA has proposed a national primary drinking water regulation (NPDWR) or issued a health advisory for that contaminant by calling the Safe Drinking Water Hotline at (800) 426-4791. The commissioner and EPA consider levels detected above a proposed federal or state MCL or health advisory level to indicate possible health concerns. For such contaminants, the commissioner recommends that the report includes:

- (A) the results of the monitoring; and
- (B) an explanation of the significance of the results noting the existence of a health advisory or a proposed regulation.

(g) In addition to the requirements of subsection ~~(d)(5)~~, **(e)(5)**, the report must note any violation of a requirement listed in this subsection that occurred during the year covered by the report and include a clear and readily understandable explanation of the violation, any potential adverse health effects, and the steps the system has taken to correct the violation. Violations of the following requirements must be included:

- (1) Monitoring and reporting of compliance data.
- (2) Filtration and disinfection prescribed by 327 IAC 8-2-8.5 and 327 IAC 8-2-8.6. For systems that have failed to install adequate filtration or disinfection equipment or processes, or have had a failure of such equipment or processes that constitutes a violation, the report must include the following language as part of the explanation of potential health effects, "inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches."
- (3) Lead and copper control requirements prescribed by 327 IAC 8-2-36 through 327 IAC 8-2-47. For systems that fail to take one (1) or more actions prescribed by 327 IAC 8-2-36(d) or 327 IAC 8-2-40 through 327 IAC 8-2-43, the report must include the applicable language from section 6(c) of this rule for lead or copper, or both.

(4) Treatment techniques for acrylamide and epichlorohydrin prescribed by 327 IAC 8-2-35. For systems that violate 327 IAC 8-2-35, the report shall include the relevant language from section 6(c) of this rule.

- (5) Record keeping of compliance data.
- (6) Special monitoring requirements prescribed by 327 IAC 8-2-21.
- (7) Violation of the terms of an administrative or judicial order.

(h) The following additional information must be contained in the report:

(1) A brief explanation regarding contaminants that may reasonably be expected to be found in drinking water, including bottled water. This explanation may include the language in clauses (A) through (C), or systems may use their own comparable language. The report must also include the language of clause (D). The language is as follows:

(A) The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals and, in some cases, radioactive material and can pick up substances resulting from the presence of animals or from human activity.

(B) Contaminants that may be present in source water include the following:

- (i) Microbial contaminants, such as viruses and bacteria, that may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.
- (ii) Inorganic contaminants, such as salts and metals, that can be naturally-occurring or result from urban stormwater run-off, industrial or domestic wastewater discharges, oil and gas production, mining, or farming.
- (iii) Pesticides and herbicides that may come from a variety of sources, such as agriculture, urban stormwater run-off, and residential uses.
- (iv) Organic chemical contaminants, including synthetic and volatile organic chemicals, that are byproducts of industrial processes and petroleum production and can also come from gas stations, urban stormwater run-off, and septic systems.
- (v) Radioactive contaminants that can be naturally-occurring or be the result of oil and gas production and mining activities.

(C) In order to ensure that tap water is safe to drink, the department and EPA prescribe regulations that limit the amount of certain contaminants in water provided by public water systems. Federal Drug Administration (FDA) regulations establish limits for contaminants in bottled water that must provide the same protection for public health.

(D) Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that the water poses a health risk. More

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information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency's Safe Drinking Water Hotline at (800) 426-4791.

(2) The telephone number of the owner, operator, or designee of the ~~community water system~~ **CWS** as a source of additional information concerning the report.

(3) In communities with a large proportion of non-English speaking residents, in which twenty percent (20%) or more of the residents speak the same language other than English, the report must contain:

(A) information in the appropriate language or languages regarding the importance of the report; or ~~contain~~

(B) a telephone number or address where such residents may contact the system to obtain a translated copy of the report or assistance in the appropriate language.

(4) The report must include information about opportunities for public participation in decisions that may affect the quality of water. This information may include, but is not limited to, the time and place of regularly scheduled board meetings.

(5) The systems may include such additional information as they deem necessary for public education consistent with, and not detracting from, the purpose of the report.

*The Code of Federal Regulations (CFR) citations are incorporated by reference into this rule and are available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402 or from the Indiana Department of Environmental Management, Office of Water Quality, Indiana Government Center-North, Twelfth Floor, Room 1255, 100 North Senate Avenue, Indianapolis, Indiana 46206. (*Water Pollution Control Board*; 327 IAC 8-2.1-3; filed Mar 22, 2000, 3:23 p.m.: 23 IR 1899; filed Jul 23, 2001, 1:02 p.m.: 24 IR 3982; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1098; filed May 1, 2003, 12:00 p.m.: 26 IR 2818; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3223)

SECTION 20. 327 IAC 8-2.1-4 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2.1-4 Required additional health information

Authority: IC 13-13-5-1; IC 13-13-5-2; IC 13-18-16-6; IC 13-18-16-7; IC 13-18-16-9

Affected: IC 13-18-16

Sec. 4. (a) A report must prominently display the language: "Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons, such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. U.S. Environmental Protection Agency and Centers for Disease Control guidelines on appropriate means to lessen the risk of infection by *Cryptosporidium* and other microbial contaminants are available from the Safe Drinking Water Hotline at (800) 426-4791."

(b) ~~If Ending in the report due by July 1, 2001, a system that detects arsenic at levels above twenty-five (25) micrograms per liter, but below the MCL, it fifty (50) micrograms per liter, and beginning in the report due by July 1, 2002, a system that detects arsenic above five (5) micrograms per liter and up to and including ten (10) micrograms per liter shall do~~ one (1) of the following:

(1) Include in its report ~~the language: "The U.S. Environmental Protection Agency is reviewing the a short informational statement about arsenic, using language such as "While your drinking water meets EPA's standard for arsenic, because of special concerns that it may not be stringent enough: it does contain low levels of arsenic. EPA's standard balances the current understanding of arsenic's possible health effects against the costs of removing arsenic from drinking water. EPA continues to research the health effects of low levels of arsenic, which is a naturally-occurring mineral known to cause cancer in humans at high concentrations and is linked to other health effects such as skin damage and circulatory problems.".~~

(2) Write its own educational statement, if ~~such~~ the statement is written in consultation with the commissioner, and include that statement in the report.

(c) If a system detects nitrate at levels above five (5) milligrams per liter, but below the MCL, ~~it the system~~ shall do one (1) of the following:

(1) Include in its report the language: "Nitrate in drinking water at levels above ten (10) parts per million is a health risk for infants of less than six (6) months of age. High nitrate levels in drinking water can cause blue baby syndrome. Nitrate levels may rise quickly for short periods of time because of rainfall or agricultural activity. If you are caring for an infant, seek advice from your health care provider."

(2) Write its own educational statement, if ~~such~~ the statement is written in consultation with the commissioner, and include that statement in the report.

(d) If a system detects lead above the action level in more than five percent (5%), and up to and including ten percent (10%), of homes sampled, ~~it the system~~ shall do one (1) of the following:

(1) Include in its report the language: "Infants and young children are typically more vulnerable to lead in drinking water than the general population. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in your home's plumbing. If you are concerned about elevated lead levels in your home's water, you may wish to have your water tested and flush your tap for thirty (30) seconds to two (2) minutes before using tap water. Additional information is available from the Safe Drinking Water Hotline at (800) 426-4791."

(2) Write its own educational statement, if ~~such~~ the statement is written in consultation with the commissioner, and include that statement in the report.

(e) If a system detects ~~total trihalomethanes~~ **TTHM** above

eight-hundredths (0.08) milligrams per liter, but below the MCL in 327 IAC 8-2-5(a), as an annual average, monitored and calculated under the provisions of 327 IAC 8-2-5.3, **it the system shall include in its report the health effects language in table 17(G)(74) contained in section 17 of this rule.**

(f) Beginning in the report due by July 1, 2002, and ending December 31, 2005, a CWS that detects arsenic above ten-hundredths (0.10) mg/l and up to and including fifty-hundredths (0.50) mg/l must include the arsenic health effects language in Table 17(B)(4) of section 17 of this rule. (Water Pollution Control Board; 327 IAC 8-2.1-4; filed Mar 22, 2000, 3:23 p.m.: 23 IR 1902; filed May 1, 2003, 12:00 p.m.: 26

IR 2821; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3226)

SECTION 21. 327 IAC 8-2.1-6 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2.1-6 Other required information

Authority: IC 13-13-5-1; IC 13-13-5-2; IC 13-18-16-6; IC 13-18-16-7; IC 13-18-16-9

Affected: IC 13-18-16

Sec. 6. (a) In order to convert MCLs to numbers greater than or equal to one and zero-tenths (1.0) for the required table referenced in section 3 of this rule, a **community water system CWS** shall use the following table:

Table 6-1: Converting MCL Compliance Values for Consumer Confidence Reports

Contaminant	MCL in Compliance Units (mg/l)	multiply by...	MCL in CCR Units	MCLG in CCR Units
Microbiological contaminants				
1. Total coliform bacteria	5% of monthly samples are positive (systems that collect forty (40) or more samples per month); one (1) positive monthly sample (systems that collect fewer than forty (40) samples per month).		5% of monthly samples are positive (systems that collect forty (40) or more samples per month); one (1) positive monthly sample (systems that collect fewer than forty (40) samples per month).	0
2. Fecal coliform and E. coli	0		A routine sample and a repeat sample are total coliform positive, and one (1) is also fecal coliform or E. coli positive.	0
3. Total organic carbon	TT		TT	n/a
4. Turbidity	TT		TT (NTU)	n/a
Radioactive contaminants				
5. Beta/photon emitters	4 mrem/year		4 mrem/year	0
6. Alpha emitters	15 pCi/l		15 pCi/l	0
7. Combined radium	5 pCi/l		5 pCi/l	0
8. Uranium	0.030	1,000	30 ppb	0
Inorganic contaminants				
8. 9. Antimony	0.006	1,000	6 ppb	6
9. 10. Arsenic	0.05 0.010¹	1,000	50 10¹ ppb	n/a 0¹
10. 11. Asbestos	7 MFL		7 MFL	7
11. 12. Barium	2		2 ppm	2
12. 13. Beryllium	0.004	1,000	4 ppb	4
14. Bromate	0.10	1,000	10 ppb	0
13. 15. Cadmium	0.005	1,000	5 ppb	5
16. Chloramines	MRDL = 4.0		MRDL = 4.0 ppm	MRDLG = 4
17. Chlorine	MRDL = 4.0		MRDL = 4.0 ppm	MRDLG = 4
18. Chlorine dioxide	MRDL = 0.8	1,000	MRDL = 800 ppb	MRDLG = 800
19. Chlorite	1		1 ppm	0.8
14. 20. Chromium	0.1	1,000	100 ppb	100
15. 21. Copper	AL = 1.3		AL = 1.3 ppm	1.3
16. 22. Cyanide	0.2	1,000	200 ppb	200
17. 23. Fluoride	4		4 ppm	4

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18: 24. Lead	AL = 0.015	1,000	AL = 15 ppb	0
19: 25. Mercury (inorganic)	0.002	1,000	2 ppb	2
20: 26. Nitrate (as nitrogen)	10		10 ppm	10
21: 27. Nitrite (as nitrogen)	1		1 ppm	1
22: 28. Selenium	0.05	1,000	50 ppb	50
23: 29. Thallium	0.002	1,000	2 ppb	0.5
Synthetic organic contaminants including pesticides and herbicides				
24: 30. 2,4-D	0.07	1,000	70 ppb	70
25: 31. 2,4,5-TP (silvex)	0.05	1,000	50 ppb	50
26: 32. Acrylamide	TT		TT	0
27: 33. Alachlor	0.002	1,000	2 ppb	0
28: 34. Atrazine	0.003	1,000	3 ppb	3
29: 35. Benzo(a)pyrene (PAH)	0.0002	1,000,000	200 ppt	0
30: 36. Carbofuran	0.04	1,000	40 ppb	40
31: 37. Chlordane	0.002	1,000	2 ppb	0
32: 38. Dalapon	0.2	1,000	200 ppb	200
33: 39. Di(2-ethylhexyl)adipate	.4	1,000	400 ppb	400
34: 40. Di(2-ethylhexyl)phthalate	0.006	1,000	6 ppb	0
35: 41. Dibromochloropropane	0.0002	1,000,000	200 ppt	0
36: 42. Dinoseb	0.007	1,000	7 ppb	7
37: 43. Diquat	0.02	1,000	20 ppb	20
38: 44. Dioxin (2,3,7,8-TCDD)	0.00000003	1,000,000,000	30 ppq	0
39: 45. Endothall	0.1	1,000	100 ppb	100
40: 46. Endrin	0.002	1,000	2 ppb	2
41: 47. Epichlorohydrin	TT		TT	0
42: 48. Ethylene dibromide	0.00005	1,000,000	50 ppt	0
43: 49. Glyphosate	0.7	1,000	700 ppb	700
44: 50. Heptachlor	0.0004	1,000,000	400 ppt	0
45: 51. Heptachlor epoxide	0.0002	1,000,000	200 ppt	0
46: 52. Hexachlorobenzene	0.001	1,000	1 ppb	0
47: 53. Hexachlorocyclopentadiene	0.05	1,000	50 ppb	50
48: 54. Lindane	0.0002	1,000 1,000,000	200 ppt	200
49: 55. Methoxychlor	0.04	1,000	40 ppb	40
50: 56. Oxamyl (vydate)	0.2	1,000	200 ppb	200
51: 57. PCBs (polychlorinated biphenyls)	0.0005	1,000,000	500 ppt	0
52: 58. Pentachlorophenol	0.001	1,000	1 ppb	0
53: 59. Picloram	0.5	1,000	500 ppb	500
54: 60. Simazine	0.004	1,000	4 ppb	4
55: 61. Toxaphene	0.003	1,000	3 ppb	0
Volatile organic contaminants				
56: 62. Benzene	0.005	1,000	5 ppb	0
57: Bromate	0.10	1,000	10 ppb	0
58: 63. Carbon tetrachloride	0.005	1,000	5 ppb	0
59: Chloramines	MRDL = 4		MRDL = 4 ppm	MRDLG = 4
60: Chlorine	MRDL = 4		MRDL = 4 ppm	MRDLG = 4
61: Chlorite	†		† ppm	.8
62: Chloride dioxide	MRDL = .8	1,000	MRDL = 800ppb	MRDLG = 800
63: 64. Chlorobenzene	0.1	1,000	100 ppb	100
64: 65. o-Dichlorobenzene	0.6	1,000	600 ppb	600
65: 66. p-Dichlorobenzene	0.075	1,000	75 ppb	75
66: 67. 1,2-Dichloroethane	0.005	1,000	5 ppb	0
67: 68. 1,1-Dichloroethylene	0.007	1,000	7 ppb	7

68: 69. cis-1,2-Dichloroethylene	0.07	1,000	70 ppb	70
69: 70. trans-1,2-Dichloroethylene	0.1	1,000	100 ppb	100
70: 71. Dichloromethane	0.005	1,000	5 ppb	0
71: 72. 1,2-Dichloropropane	0.005	1,000	5 ppb	0
72: 73. Ethylbenzene	0.7	1,000	700 ppb	700
73: 74. Haloacetic acids (HAA)	0.66 0.060	1,000	60 ppb	n/a
74: 75. Styrene	0.1	1,000	100 ppb	100
75: 76. Tetrachloroethylene	0.005	1,000	5 ppb	0
76: 77. 1,2,4-Trichlorobenzene	0.07	1,000	70 ppb	70
77: 78. 1,1,1-Trichloroethane	0.2	1,000	200 ppb	200
78: 79. 1,1,2-Trichloroethane	0.005	1,000	5 ppb	3
79: 80. Trichloroethylene	0.005	1,000	5 ppb	0
80: 81. TTHMs (total trihalomethanes)	0.1 0.080	1,000	100 80 ppb	n/a
81: 82. Toluene	1		1 ppm	1
82: 83. Vinyl chloride	0.002	1,000	2 ppb	0
83: 84. Xylenes	10		10 ppm	10

¹These arsenic values are effective January 1, 2006. Until then, the MCL is 0.05 mg/L and there is no MCLG.

Key:

AL = Action level.

MCL = Maximum contaminant level.

MCLG = Maximum contaminant level goal.

MFL = Million fibers per liter.

MRDL = Maximum residual disinfectant level.

MRDLG = Maximum residual disinfectant level goal.

mrem/year = Millirems per year (a measure of radiation absorbed by the body).

N/A = Not applicable

NTU = Nephelometric turbidity units.

pCi/l = Picocuries per liter (a measure of radioactivity).

ppm = Parts per million, or milligrams per liter (mg/l).

ppb = Parts per billion, or micrograms per liter (µg/l).

ppt = Parts per trillion, or nanograms per liter (ng/l).

ppq = Parts per quadrillion, or picograms per liter (pg/l).

TT = Treatment technique.

(b) In order to show potential sources of contamination for the table required by section 3 of this rule, a ~~community water system~~ **CWS** shall use the following table:

Table 6-2: Regulated Contaminants

Contaminant (units)	MCLG	MCL	Major Sources in Drinking Water
Microbiological contaminants			
1. Total coliform bacteria	0	5% of monthly samples are positive (systems that collect forty (40) or more samples per month); one (1) positive monthly sample (systems that collect fewer than forty (40) samples per month).	Naturally present in the environment.
2. Fecal coliform and E. coli	0	A routine sample and a repeat sample are total coliform positive, and one (1) is also fecal coliform or E. coli positive.	Human and animal fecal waste.

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3. Total organic carbon	n/a	TT	Naturally present in the environment.
4. Turbidity	n/a	TT	Soil run-off.
Radioactive contaminants			
5. Beta/photon emitters (mrem/year)	0	4	Decay of natural and manmade deposits.
6. Alpha emitters (pCi/l)	0	15	Erosion of natural deposits.
7. Combined radium (pCi/l)	0	5	Erosion of natural deposits.
8. Uranium (ppb)	0	30	Erosion of natural deposits.
Inorganic contaminants			
8. 9. Antimony (ppb)	6	6	Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder.
9. 10. Arsenic (ppb)	n/a 0 ¹	50 10 ¹	Erosion of natural deposits; run-off from orchards; run-off from glass and electronics production wastes.
10. 11. Asbestos (MFL)	7	7	Decay of asbestos cement water mains; erosion of natural deposits.
11. 12. Barium (ppm)	2	2	Discharge of drilling wastes; discharge from metal refineries; erosion of natural deposits.
12. 13. Beryllium (ppb)	4	4	Discharge from metal refineries and coal-burning factories; discharge from electrical, aerospace, and defense industries.
14. Bromate (ppb)	0	10	Byproduct of drinking water disinfection.
13. 15. Cadmium (ppb)	5	5	Corrosion of galvanized pipes; erosion of natural deposits; discharge from metal refineries; run-off from waste batteries and paints.
16. Chloramines (ppm)	MRDLG = 4	MRDL = 4.0	Water additive used to control microbes.
17. Chlorine (ppm)	MRDLG = 4	MRDL = 4.0	Water additive used to control microbes.
18. Chlorine dioxide (ppb)	MRDLG = 800	MRDL = 800	Water additive used to control microbes.
19. Chlorite (ppm)	0.8	1	Byproduct of drinking water disinfection.
14. 20. Chromium (ppb)	100	100	Discharge from steel and pulp mills; erosion of natural deposits.
15. 21. Copper (ppm)	1.3	AL = 1.3	Corrosion of household plumbing systems; erosion of natural deposits; leaching from wood preservatives.
16. 22. Cyanide (ppb)	200	200	Discharge from steel/metal factories; discharge from plastic and fertilizer factories.
17. 23. Fluoride (ppm)	4	4	Erosion of natural deposits; water additive that promotes strong teeth; discharge from fertilizer and aluminum factories.
18. 24. Lead (ppb)	0	AL = 15	Corrosion of household plumbing systems; erosion of natural deposits.
19. 25. Mercury (inorganic) (ppb)	2	2	Erosion of natural deposits; discharge from refineries and factories; run-off from landfills; run-off from cropland.

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20: 26. Nitrate (as nitrogen) (ppm)	10	10	Run-off from fertilizer use; leaching from septic tanks, sewage; erosion of natural deposits.
21: 27. Nitrite (as nitrogen) (ppm)	1	1	Run-off from fertilizer use; leaching from septic tanks, sewage; erosion of natural deposits.
22: 28. Selenium (ppb)	50	50	Discharge from petroleum and metal refineries; erosion of natural deposits; discharge from mines.
23: 29. Thallium (ppb)	0.5	2	Leaching from ore-processing sites; discharge from electronics, glass, and drug factories.
Synthetic organic contaminants, including pesticides and herbicides			
24: 30. 2,4-D (ppb)	70	70	Run-off from herbicide used on row crops.
25: 31. 2,4,5-TP (Silvex) (ppb)	50	50	Residue of banned herbicide.
26: 32. Acrylamide	0	TT	Added to water during sewage/wastewater treatment.
27: 33. Alachlor (ppb)	0	2	Run-off from herbicide used on row crops.
28: 34. Atrazine (ppb)	3	3	Run-off from herbicide used on row crops.
29: 35. Benzo(a)pyrene (PAH) (ppt)	0	200	Leaching from linings of water storage tanks and distribution lines.
30: 36. Carbofuran (ppb)	40	40	Leaching of soil fumigant used on rice and alfalfa.
31: 37. Chlordane (ppb)	0	2	Residue of banned termiticide.
32: 38. Dalapon (ppb)	200	200	Run-off from herbicide used on rights-of-way.
33: 39. Di(2-ethylhexyl)adipate (ppb)	400	400	Discharge from chemical factories.
34: 40. Di(2-ethylhexyl)phthalate (ppb)	0	6	Discharge from rubber and chemical factories.
35: 41. Dibromochloropropane (ppt)	0	200	Run-off/leaching from soil fumigant used on soybeans, cotton, pineapples, and orchards.
36: 42. Dinoseb (ppb)	7	7	Run-off from herbicide used on soybeans and vegetables.
37: 43. Diquat (ppb)	20	20	Run-off from herbicide use.
38: 44. Dioxin (2,3,7,8-TCDD) (ppq)	0	30	Emissions from waste incineration and other combustion; discharge from chemical factories.
39: 45. Endothall (ppb)	100	100	Run-off from herbicide use.
40: 46. Endrin (ppb)	2	2	Residue of banned insecticide.
41: 47. Epichlorohydrin	0	TT	Discharge from industrial chemical factories; an impurity of same some water treatment chemicals.
42: 48. Ethylene dibromide (ppt)	0	50	Discharge from petroleum refineries.
43: 49. Glyphosate (ppb)	700	700	Run-off from herbicide use.
44: 50. Heptachlor (ppt)	0	400	Residue of banned termiticide: pesticide.
45: 51. Heptachlor epoxide (ppt)	0	200	Breakdown of heptachlor.
46: 52. Hexachlorobenzene (ppb)	0	1	Discharge from metal refineries and agricultural chemical factories.

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47: 53. Hexachlorocyclopentadiene (ppb)	50	50	Discharge from chemical factories.
48: 54. Lindane (ppt)	200	200	Run-off/leaching from insecticide used on cattle, lumber, and gardens.
49: 55. Methoxychlor (ppb)	40	40	Run-off/leaching from insecticide used on fruits, vegetables, alfalfa, and live-stock.
50: 56. Oxamyl (vydate) (ppb)	200	200	Run-off/leaching from insecticide used on apples, potatoes, and tomatoes.
51: 57. PCBs (polychlorinated biphenyls) (ppt)	0	500	Run-off from landfills; discharge of waste chemicals.
52: 58. Pentachlorophenol (ppb)	0	1	Discharge from wood preserving factories.
53: 59. Picloram (ppb)	500	500	Herbicide run-off.
54: 60. Simazine (ppb)	4	4	Herbicide run-off.
55: 61. Toxaphene (ppb)	0	3	Run-off/leaching from insecticide used on cotton and cattle.
Volatile organic contaminants			
56: 62. Benzene (ppb)	0	5	Discharge from factories; leaching from gas storage tanks and landfills.
57: Bromate (ppb)	0	10	Byproduct of drinking water chlorination.
58: 63. Carbon tetrachloride (ppb)	0	5	Discharge from chemical plants and other industrial activities.
59: Chloramines (ppm)	MRDLG = 4	MRDL = 4	Water additive used to control microbes.
60: Chlorine (ppm)	MRDLG = 4	MRDL = 4	Water additive used to control microbes.
61: Chlorite (ppm)	.8	1	Byproduct of drinking water chlorination.
62: Chloride dioxide (ppb)	MRDLG = 800	MRDL = 800	Water additive used to control microbes.
63: 64. Chlorobenzene (ppb)	100	100	Discharge from chemical and agricultural chemical factories.
64: 65. o-Dichlorobenzene (ppb)	600	600	Discharge from industrial chemical factories.
65: 66. p-Dichlorobenzene (ppb)	75	75	Discharge from industrial chemical factories.
66: 67. 1,2-Dichloroethane (ppb)	0	5	Discharge from industrial chemical factories.
67: 68. 1,1-Dichloroethylene (ppb)	7	7	Discharge from industrial chemical factories.
68: 69. cis-1,2-Dichloroethylene (ppb)	70	70	Discharge from industrial chemical factories.
69: 70. trans-1,2-Dichloroethylene (ppb)	100	100	Discharge from industrial chemical factories.
70: 71. Dichloromethane (ppb)	0	5	Discharge from pharmaceutical and chemical factories.
71: 72. 1,2-Dichloropropane (ppb)	0	5	Discharge from industrial chemical factories.
72: 73. Ethylbenzene (ppb)	700	700	Discharge from petroleum refineries.
73: 74. Haloacetic Acids (HAA) (ppb)	n/a	60	Byproduct of drinking water disinfection.
74: 75. Styrene (ppb)	100	100	Discharge from rubber and plastic factories; leaching from landfills.

75: 76. Tetrachloroethylene (ppb)	0	5	Discharge from factories and dry cleaners.
76: 77. 1,2,4-Trichlorobenzene (ppb)	70	70	Discharge from textile-finishing factories.
77: 78. 1,1,1-Trichloroethane (ppb)	200	200	Discharge from metal degreasing sites and other factories.
78: 79. 1,1,2-Trichloroethane (ppb)	3	5	Discharge from industrial chemical factories.
79: 80. Trichloroethylene (ppb)	0	5	Discharge from metal degreasing sites and other factories.
80: 81. TTHMs (total trihalomethanes) (ppb)	n/a	100 80	Byproduct of drinking water chlorination.
81: 82. Toluene (ppm)	1	1	Discharge from petroleum factories.
82: 83. Vinyl chloride (ppb)	0	2	Leaching from PVC piping; discharge from plastics factories.
83: 84. Xylenes (ppm)	10	10	Discharge from petroleum factories; discharge from chemical factories.

¹These arsenic values are effective January 1, 2006. Until then, the MCL is 0.05 mg/l and there is no MCLG.

Key:

AL = Action level.

MCL = Maximum contaminant level.

MCLG = Maximum contaminant level goal.

MFL = Million fibers per liter.

MRDL = Maximum residual disinfectant level.

MRDLG = Maximum residual disinfectant level goal.

mrem/year = millirems per year (a measure of radiation absorbed by the body).

N/A = Not applicable.

NTU = Nephelometric turbidity units.

pCi/l = Picocuries per liter (a measure of radioactivity).

ppm = Parts per million, or milligrams per liter (mg/l).

ppb = Parts per billion, or micrograms per liter (µg/l).

ppt = Parts per trillion, or nanograms per liter (ng/l).

ppq = Parts per quadrillion, or picograms per liter (pg/l).

TT = Treatment technique.

(c) The language in section 17 of this rule shall be used if there is a violation referenced in section 3 of this rule and health effects language is required. ~~unless alternate language is listed in this subsection as follows:~~

~~(1) Fecal coliform/E. coli: Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with animal or human wastes. Microbes in these wastes can cause short term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, and people with severely compromised immune systems.~~

~~(2) Fluoride: Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Children may get mottled teeth.~~

(Water Pollution Control Board; 327 IAC 8-2.1-6; filed Mar 22, 2000, 3:23 p.m.: 23 IR 1903; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1100; filed May 1, 2003, 12:00 p.m.: 26 IR 2822; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3227)

SECTION 22. 327 IAC 8-2.1-8 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2.1-8 Tier 1 public notice; form, manner, and frequency of notice

Authority: IC 13-13-5-1; IC 13-13-5-2; IC 13-18-16-6; IC 13-18-16-7; IC 13-18-16-9

Affected: IC 13-18-16

Sec. 8. (a) The following violations or situations require a Tier 1 public notice:

(1) Violation of the MCL for total coliforms when fecal coliform or E. coli are present in the water distribution system as specified in 327 IAC 8-2-7(b), or the water system fails to test for fecal coliforms or E. coli when any repeat sample tests positive for coliform as specified in 327 IAC 8-2-8.3.

(2) Violation of the MCL for nitrate, nitrite, or total nitrate and nitrite, as defined in 327 IAC 8-2-4, or when the water system fails to take a confirmation sample within twenty-four (24) hours of the system's receipt of the first sample showing an exceedance of the nitrate or nitrite MCL, as specified in

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327 IAC 8-2-4.1(h)(2).

(3) Exceedance of the nitrate MCL by noncommunity water systems, where permitted to exceed the MCL by the commissioner under 327 IAC 8-2-4 **and section 14 of this rule.**

(4) Violation of the 327 IAC 8-2-8.5(c) **or 327 IAC 8-2.6-1** treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit as identified in section 16 of this rule, where the commissioner determines after consultation that a Tier 1 notice is required or where consultation does not take place within twenty-four (24) hours after the system learns of the violation.

(5) Occurrence of a waterborne disease outbreak, as defined in 327 IAC 8-2-1, or other waterborne emergency. This includes failure or significant interruption in key water treatment processes, a natural disaster that disrupts the water supply or distribution system, or a chemical spill or unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination.

(6) Other violations or situations with significant potential to have serious adverse effects on human health as a result of short term exposure, as determined by the commissioner either in its regulations or on a case-by-case basis.

(7) Violation of the MRDL for chlorine dioxide as defined in 327 IAC 8-2.5-3(a) and determined according to 327 IAC 8-2.5-5 **when one (1) or more samples taken in the distribution system the day following an exceedance of the MRDL at the entrance of the distribution system exceed the MRDL, or when the water system does not take the required samples in the distribution system, as specified in 327 IAC 8-2.5-7(c)(2).**

(b) Tier 1 public notice needs to be provided as follows:

(1) Provide a public notice as soon as practical but no later than twenty-four (24) hours after the system learns of the violation.

(2) Initiate consultation with the commissioner as soon as practical, but no later than twenty-four (24) hours after the public water system learns of the violation or situation, to determine additional public notice requirements.

(3) Comply with any additional public notification requirements that are established as a result of the consultation with the commissioner, including any repeat notices or direction on the duration of the posted notices. To reach all persons served, such requirements may include **the following:**

(A) Timing.

(B) Form.

(C) Manner.

(D) Frequency. ~~and~~

(E) Content of repeat notices and other actions designed.

(4) Public water systems must provide the notice within twenty-four (24) hours in a form and manner reasonably calculated to reach all persons served. The form and manner used by the public water system are to fit the specific situation, but must be designed to reach residential, transient, and

nontransient users of the water system. In order to reach all persons served, water systems are to use, at a minimum, one (1) or more of the following forms of delivery:

(A) Appropriate broadcast media, such as:

(i) radio; or

(ii) television.

(B) Posting of the notice in conspicuous locations throughout the area served by the water system.

(C) Hand delivery of the notice to persons served by the water system.

(D) Another delivery method approved in writing by the commissioner.

(5) A ~~community public water system~~ CWS shall give a copy of the most recent public notice to all new billing units or new hookups ~~prior to before~~ or at the time service begins for any of the following outstanding violations:

(A) Any ~~maximum contaminant level: MCL.~~

(B) Any ~~maximum residual disinfectant level: MRDL.~~

(C) Any treatment technique requirement.

(c) For violations of the MRDLs of disinfectants that may pose an acute risk to human health, a copy of the notice must be furnished to the radio and television stations serving the area served by the public water system as soon as possible but in no case later than seventy-two (72) hours after the violation. (*Water Pollution Control Board; 327 IAC 8-2.1-8; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1110; filed May 1, 2003, 12:00 p.m.: 26 IR 2828; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3233*)

SECTION 23. 327 IAC 8-2.1-9 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2.1-9 Tier 2 notice; form, manner, and frequency of notice

Authority: IC 13-13-5-1; IC 13-13-5-2; IC 13-18-16-6; IC 13-18-16-7; IC 13-18-16-9

Affected: IC 13-18-16

Sec. 9. (a) The following violations or situations require a Tier 2 public notice:

(1) All violations of the MCL, MRDL, and treatment technique requirements, except where a Tier 1 notice is required under section 8(a) of this rule or where the commissioner determines a Tier 1 notice is required.

(2) Violations of the monitoring and testing procedure requirements, where the commissioner determines that a Tier 2 rather than a Tier 3 public notice is required, taking into account potential health impacts and persistence of the violation.

(b) Tier 2 public notice needs to be provided as follows:

(1) Public water systems must provide the public notice as soon as practical, but no later than thirty (30) days after the system learns of the violation. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but in no case for less than seven (7) days, even if the violation or situation is resolved. The commis-

sioner may, in appropriate circumstances, allow additional time for the initial notice of up to three (3) months from the date the system learns of the violation. It is not appropriate for the commissioner to grant an extension to the thirty (30) day deadline for any unresolved violation or to allow across-the-board extensions by rule or policy for other violations or situations requiring a Tier 2 public notice. Extensions granted by the commissioner must be in writing.

(2) The public water system must repeat the notice every three (3) months as long as the violation or situation persists, unless the commissioner determines that appropriate circumstances warrant a different repeat notice frequency. In no circumstance may the repeat notice be given less frequently than once per year. It is not appropriate for the commissioner to allow less frequent repeat notice for an MCL violation under the 327 IAC 8-2-7, 327 IAC 8-2-8, 327 IAC 8-2-8.1, and 327 IAC 8-2-8.3 or a treatment technique violation under 327 IAC 8-2-8.5, 327 IAC 8-2-8.6, and 327 IAC 8-2-8.8. The commissioner determinations allowing repeat notices to be given less frequently than once every three (3) months must be in writing.

(3) If there is a violation of the treatment technique requirement in 327 IAC 8-2-8.5(c) **or 327 IAC 8-2.6-1** that results from a single exceedance of the maximum allowable turbidity limit, then public water systems must consult with the commissioner as soon as practical but no later than twenty-four (24) hours after the public water system learns of the violation, to determine whether a Tier 1 public notice under section 8(a) of this rule is required to protect public health. When consultation does not take place within the twenty-four (24) hour period, the water system must distribute a Tier 1 notice of the violation within the next twenty-four (24) hours (for example, no later than forty-eight (48) hours after the system learns of the violation), following the requirements under section 8(b) and 8(c) of this rule.

(c) Public water systems must provide the initial public notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but **the public notice** must at a minimum meet the following requirements:

(1) Unless directed otherwise by the commissioner in writing, ~~community water systems~~ **CWSs** must provide notice by the following methods:

- (A) Mail or other direct delivery to:
 - (i) each customer receiving a bill; and ~~to~~
 - (ii) other service connections to which water is delivered by the public water system.
- (B) Any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by the notice required in clause (A). Such persons may include those who do not pay water bills or do not have service connection addresses, including any of the following:

- (i) House renters.
 - (ii) Apartment dwellers.
 - (iii) University students.
 - (iv) Nursing home patients.
 - (v) Prison inmates.
- (C) Other methods may include any of the following:
- (i) Publication in a local newspaper.
 - (ii) Delivery of multiple copies for distribution by customers that provide their drinking water to others, such as:
 - (AA) apartment building owners; or
 - (BB) large private employers.
 - (iii) Posting in public places served by the system or on the Internet.
 - (iv) Delivery to community organizations.
- (2) Unless directed otherwise by the commissioner in writing, noncommunity water systems must provide notice by the following methods:
- (A) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system.
 - (B) By mail or direct delivery to each customer and service connection if known.
 - (C) Any other method reasonably calculated to reach other persons served by the system if they would not normally be reached by the notice required in clauses (A) and (B). Such persons may include those served who may not see a posted notice because the posted notice is not in a location they routinely pass by. Other methods may include:
 - (i) publication in a local newspaper or newsletter distributed to customers;
 - (ii) use of e-mail to notify employees or students; or
 - (iii) delivery of multiple copies in central locations, such as community centers.

(Water Pollution Control Board; 327 IAC 8-2.1-9; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1110; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3234)

SECTION 24. 327 IAC 8-2.1-14 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2.1-14 Special notice for nitrate exceedances above MCL by noncommunity water systems; granted permission by the commissioner under 327 IAC 8-2-4(b)

Authority: IC 13-13-5-1; IC 13-13-5-2; IC 13-18-16-6; IC 13-18-16-7; IC 13-18-16-9
Affected: IC 13-18-16

Sec. 14. (a) The owner or operator of a noncommunity water system granted permission by the commissioner under 327 IAC 8-2-4(b) to exceed the nitrate MCL must provide notice to persons served according to the requirements for a Tier 1 notice under ~~327 IAC 8-2-8.1~~ **section 8 of this rule.**

(b) Noncommunity water systems granted permission by the

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commissioner to exceed the nitrate MCL under 327 IAC 8-2-4(b) must provide continuous posting of **the**:

- (1) ~~the~~ fact that nitrate levels exceed ten (10) milligrams per liter; and
- (2) ~~the~~ potential health effects of exposure;

in accordance with the requirements for Tier 1 notice delivery under section 8 of this rule and the content requirements under section 11 of this rule. (*Water Pollution Control Board; 327 IAC 8-2.1-14; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1114; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3235*)

SECTION 25. 327 IAC 8-2.1-16 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2.1-16 Drinking water violations; other situations requiring public notice

Authority: IC 13-13-5-1; IC 13-13-5-2; IC 13-18-16-6; IC 13-18-16-7; IC 13-18-16-9
Affected: IC 13-18-16

Sec. 16. (a) Drinking water violations and other situations that require public notice according to this rule are contained in the following table:

Table 16. Drinking Water Violations and Other Situations Requiring Public Notice				
Contaminant	MCL/MRDL/TT/AL Violations		Monitoring and Testing Procedure Violations	
	Tier of Public Notice Required	Citation	Tier of Public Notice Required	Citation
I. Violations of Drinking Water Regulations:				
A. Microbiological Contaminants				
1. Total coliform	2	327 IAC 8-2-7(a)	3	327 IAC 8-2-8 327 IAC 8-2-8.1 327 IAC 8-2-8(f) 327 IAC 8-2-8.2 327 IAC 8-2-8.3
2. Fecal coliform/E. coli	1	327 IAC 8-2-7(b)	1, 3	327 IAC 8-2-8.3
3. Turbidity TT (resulting from a single exceedance of maximum allowable turbidity levels)	2,1	327 IAC 8-2-8.5(a) 327 IAC 8-2.6-3(1)(B) 327 IAC 8-2.6-3(2) 327 IAC 8-2.6-3(3)	3	327 IAC 8-2-8.8(b) 327 IAC 8-2.6-4
4. Surface water treatment rule violations, other than violations resulting from single exceedance of maximum allowable turbidity level (TT)	2	327 IAC 8-2-8.5 327 IAC 8-2-8.6	3	327 IAC 8-2-8.8
5. Interim enhanced surface water treatment rule violations, other than violations resulting from single exceedance of maximum allowable turbidity level (TT)	2	327 IAC 8-2.6-1 327 IAC 8-2.6-2 327 IAC 8-2.6-3	3	327 IAC 8-2.6-2 327 IAC 8-2.6-4
6. Filter backwash recycling rule	2	327 IAC 8-2.6-6	3	327 IAC 8-2.6-6

7. Long term 1 enhanced surface water treatment rule violations, other than violations resulting from single exceedance of maximum allowable turbidity level (TT)	2	327 IAC 8-2.6-1 327 IAC 8-2.6-2.1 327 IAC 8-2.6-3	3	327 IAC 8-2.6-2.1 327 IAC 8-2.6-4
B. Inorganic Chemicals (IOCs)				
1. Antimony	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
2. Arsenic	2	327 IAC 8-2-4(d) 327 IAC 8-2-4.1(1)(5)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(1)(3) 327 IAC 8-2-4.1(1)(4) 327 IAC 8-2-4.1(e)
3. Asbestos (fibers >10 µm)	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(d)
4. Barium	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
5. Beryllium	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
6. Cadmium	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
7. Chromium (total)	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
8. Cyanide	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
9. Fluoride	2	327 IAC 8-2-4(c)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
10. Mercury (inorganic)	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
11. Nitrate	1	327 IAC 8-2-4(b)	1, 3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(f) 327 IAC 8-2-4.1(h)(2)
12. Nitrite	1	327 IAC 8-2-4(b)	1, 3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(g) 327 IAC 8-2-4.1(h)(2)
13. Total nitrate and nitrite	1	327 IAC 8-2-4(b)	3	327 IAC 8-2-4.1(c)
14. Selenium	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
15. Thallium	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
C. Lead and Copper Rule				
1. Lead and copper rule (TT)	2	327 IAC 8-2-36 327 IAC 8-2-40 327 IAC 8-2-41 327 IAC 8-2-42 327 IAC 8-2-43 327 IAC 8-2-44	3	327 IAC 8-2-37 327 IAC 8-2-38 327 IAC 8-2-39 327 IAC 8-2-45
D. Synthetic Organic Chemicals (SOCs)				
1. 2,4-D	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
2. 2,4,5-TP (silvex)	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
3. Alachlor	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
4. Atrazine	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
5. Benzo(a)pyrene (PAHs)	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1

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6. Carbofuran	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
7. Chlordane	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
8. Dalapon	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
9. Di (2-ethylhexyl) adipate	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
10. Di (2-ethylhexyl) phthalate	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
11. Dibromochloropropane	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
12. Dinoseb	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
13. Dioxin (2,3,7,8-TCDD)	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
14. Diquat	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
15. Endothall	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
16. Endrin	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
17. Ethylene dibromide	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
18. Glyphosate	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
19. Heptachlor	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
20. Heptachlor epoxide	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
21. Hexachlorobenzene	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
22. Hexachlorocyclopentadiene	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
23. Lindane	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
24. Methoxychlor	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
25. Oxamyl (vydate)	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
26. Pentachlorophenol	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
27. Picloram	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
28. Polychlorinated biphenyls (PCBs)	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
29. Simazine	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
30. Toxaphene	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
E. Volatile Organic Chemicals (VOCs)				
1. Benzene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
2. Carbon tetrachloride	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
3. Chlorobenzene (monochlorobenzene)	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
4. o-Dichlorobenzene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
5. p-Dichlorobenzene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
6. 1,2-Dichloroethane	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
7. 1,1-Dichloroethylene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
8. cis-1,2-Dichloroethylene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
9. trans-1,2-Dichloroethylene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
10. Dichloromethane	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
11. 1,2-Dichloropropane	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
12. Ethylbenzene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
13. Styrene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
14. Tetrachloroethylene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
15. Toluene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
16. 1,2,4-Trichlorobenzene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
17. 1,1,1-Trichloroethane	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
18. 1,1,2-Trichloroethane	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
19. Trichloroethylene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
20. Vinyl chloride	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
21. Xylenes (total)	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
F. Radioactive Contaminants				

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1. Beta/photon emitters	2	327 IAC 8-2-10	3	327 IAC 8-2-10.2 327 IAC 8-2-10.2(b)
2. Alpha emitters	2	327 IAC 8-2-9(2)	3	327 IAC 8-2-10.2 327 IAC 8-2-10.2(a)
3. Combined radium (226 and 228)	2	327 IAC 8-2-9(1)	3	327 IAC 8-2-10.2 327 IAC 8-2-10.2(a)
4. Uranium	2	327 IAC 8-2-9(3)	3	327 IAC 8-2-10.2 327 IAC 8-2-10.2(a)
G. Disinfection Byproducts (DBPs). Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). EPA sets standards for controlling the levels of DBPs in drinking water.				
1. Total trihalomethanes (TTHMs)	2	327 IAC 8-2-5(a) and 327 IAC 8-2-5(c)	3	327 IAC 8-2-5.3
2. Haloacetic acids (HAA5)	2	327 IAC 8-2.5-2(a)	3	327 IAC 8-2.5-6(a) and 327 IAC 8-2.5-6(b)
3. Bromate	2	327 IAC 8-2.5-2(a)	3	327 IAC 8-2.5-6(a) and 327 IAC 8-2.5-6(b)
4. Chlorite	2	327 IAC 8-2.5-2(a)	3	327 IAC 8-2.5-6(a) and 327 IAC 8-2.5-6(b)
5. Chlorine (MRDL)	2	327 IAC 8-2.5-3(a)	3	327 IAC 8-2.5-6(a) and 327 IAC 8-2.5-6(c)
6. Chloramine (MRDL)	2	327 IAC 8-2.5-3(a)	3	327 IAC 8-2.5-6(a) and 327 IAC 8-2.5-6(c)
7. Chlorine dioxide (MRDL), where any 2 consecutive daily samples at entrance to distribution system only are above MRDL	2	327 IAC 8-2.5-3(a)	2, 3	327 IAC 8-2.5-6(a), 327 IAC 8-2.5-6(c), and 327 IAC 8-2.5-7(c)(2)
8. Chlorine dioxide (MRDL), where samples in distribution system the next day are also above MRDL	1	327 IAC 8-2.5-3(a)	1	327 IAC 8-2.5-6(a), 327 IAC 8-2.5-6(c), and 327 IAC 8-2.5-7(c)(2)
9. Control of DBP precursors - TOC (TT)	2	327 IAC 8-2.5-9(a) and 327 IAC 8-2.5-9(b)	3	327 IAC 8-2.5-6(a) and 327 IAC 8-2.5-6(d)
10. Bench marking and disinfection profiling	N/A	N/A	3	327 IAC 8-2.6-2 327 IAC 8-2.6-2.1
11. Development of monitoring plan	N/A	N/A	3	327 IAC 8-2.5-6(f)
H. Other Treatment Techniques				
1. Acrylamide (TT)	2	327 IAC 8-2-35	N/A	N/A
2. Epichlorohydrin (TT)	2	327 IAC 8-2-35	N/A	N/A
II. Unregulated Contaminant Monitoring:				
A. Nickel	N/A	N/A	3	327 IAC 8-2-4.1(e)
III. Other Situations Requiring Public Notification:				
A. Fluoride secondary maximum contaminant level (SMCL) exceedance	3	40 CFR § 143.3*	N/A	N/A
B. Exceedance of nitrate MCL for noncommunity systems, as allowed by the commissioner	1	327 IAC 8-2-4(b)	N/A	N/A
C. Waterborne disease outbreak	1	327 IAC 8-2-1	N/A	N/A
D. Other waterborne emergency	1	N/A	N/A	N/A
E. Other situations as determined by the commissioner	1, 2, 3	N/A	N/A	N/A

Key:

MCL = Maximum contaminant level.

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MRDL = Maximum residual disinfectant level.

TT = Treatment technique.

Violations of drinking water regulations include violations of MCL, MRDL, treatment technique, monitoring, and testing procedure requirements.

(b) Drinking water violations and other situations that require public notice according to this rule are contained in the following provisions:

(1) Violations and other situations not listed in table 16 in subsection (a), such as reporting violations and failure to prepare Consumer Confidence Report do not require notice, unless otherwise determined by the commissioner. The commissioner may, at their option, also require a more stringent public notice tier such as Tier 1 instead of Tier 2 or Tier 2 instead of Tier 3 for specific violations and situations listed in table 16 in subsection (a).

(2) Failure to test for fecal coliform or E. coli is a Tier 1 violation if testing is not done after any repeat sample tests positive for coliform. All other total coliform monitoring and testing procedure violations are Tier 3.

(3) Systems with treatment technique violations involving a single exceedance of maximum turbidity limit under the:

(A) surface water treatment rule (SWTR);

(B) **interim enhanced surface water treatment rule (IESWTR); or**

(C) **long term 1 enhanced surface water treatment rule (LT1ESWTR);**

are required to initiate consultation with the commissioner within twenty-four (24) hours after learning of the violation. Based on this consultation, the commissioner may subsequently decide to elevate the violation to Tier 1. If a system is unable to make contact with the commissioner in the twenty-four (24) hour period, the violation is automatically elevated to Tier 1.

(4) Failure to take a confirmation sample within twenty-four (24) hours for nitrate or nitrite after an initial sample exceeds the MCL is a Tier 1 Violation. Other monitoring violations for nitrate are Tier 3.

(5) Other waterborne emergencies require a Tier 1 public notice under section 8(a) of this rule for situations that do not meet the definition of a waterborne disease outbreak given in

327 IAC 8-2-1, but that still have the potential to have serious adverse effects on health as a result of short term exposure. These **waterborne emergencies** could include outbreaks not related to treatment deficiencies, as well as situations that have the potential to cause outbreaks, such as:

(A) failures or significant interruption in water treatment processes;

(B) natural disasters that disrupt the water supply or distribution system;

(C) chemical spills; or

(D) unexpected loading of possible pathogens into the source water.

(6) The commissioner may place other situations in any tier believed appropriate, based on threat to public health.

*40 CFR 143.3 is incorporated by reference and is available for copying at the Indiana Department of Environmental Management, Office of Water Quality, 100 North Senate Avenue, Room 1255, Indianapolis, Indiana 46206. (*Water Pollution Control Board; 327 IAC 8-2.1-16; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1115; errata filed Feb 22, 2002, 2:01 p.m.: 25 IR 2254; filed May 1, 2003, 12:00 p.m.: 26 IR 2829; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3236*)

SECTION 26. 327 IAC 8-2.1-17 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2.1-17 Drinking water violations; standard health effects language for public notice

Authority: IC 13-13-5-1; IC 13-13-5-2; IC 13-18-16-6; IC 13-18-16-7; IC 13-18-16-9

Affected: IC 13-18-16

Sec. 17. A public water system must comply with the standard health effects language for public notification contained in the following table:

Table 17. Standard Health Effects Language for Public Notification			
Contaminant	MCLG mg/l	MCL mg/l	Standard Health Effects Language for Public Notification
Drinking Water Regulations:			
A. Microbiological Contaminants, Surface Water Treatment Rule, and Interim Enhanced Surface Water Treatment Rule, and Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR)			
1a. Total coliform	0	See footnote ¹	Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliforms were found in more samples than allowed, and this was a warning of potential problems.

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1b. Fecal coliform/E. coli	0	0	Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.
2a. Turbidity (MCL) ²	None	1 NTU ² /5 NTU	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms, such as nausea, cramps, diarrhea, and associated headaches.
2b. Turbidity (SWTR TT, and IESWTR TT, and LTIESWTR TT) ²	None	TT	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms, such as nausea, cramps, diarrhea, and associated headaches.
2c. Giardia lamblia	0	TT ⁴	Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms, such as nausea, cramps, diarrhea, and associated headaches.
2d. Viruses			
2e. Heterotrophic plate count (HPC) bacteria ³			
2f. Legionella			
2g. Cryptosporidium			
B. Inorganic Chemicals (IOCs)			
3. Antimony	0.006	0.006	Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.
4. Arsenic ⁵	None 0	0.05 0.01	Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system and may have an increased risk of getting cancer.
5. Asbestos (>10 µm)	7 MFL	7 MFL	Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.
6. Barium	2	2	Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.
7. Beryllium	0.004	0.004	Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.
8. Cadmium	0.005	0.005	Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.
9. Chromium (total)	0.1	0.1	Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.
10. Cyanide	0.2	0.2	Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.
11. Fluoride	4.0	4.0	Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine (9) years old of age. Mottling, also known as dental fluorosis, may include brown staining or pitting of the teeth, or both, and occurs only in developing teeth before they erupt from the gums.
12. Mercury (inorganic)	0.002	0.002	Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.

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13. Nitrate	10	10	Infants below the age of six (6) months of age who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
14. Nitrite	1	1	Infants below the age of six (6) months of age who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
15. Total nitrate and nitrite	10	10	Infants below the age of six (6) months of age who drink water containing nitrate and nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
16. Selenium	0.05	0.05	Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.
17. Thallium	0.0005	0.002	Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.
C. Lead and Copper Rule			
18. Lead	0	TT	Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.
19. Copper	1.3	TT	Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.
D. Synthetic Organic Chemicals (SOCs)			
20. 2,4-D	0.07	0.07	Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.
21. 2,4,5-TP (silvex)	0.05	0.05	Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.
22. Alachlor	0	0.002	Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.
23. Atrazine	0.003	0.003	Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.
24. Benzo(a)pyrene (PAHs)	0	0.0002	Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.
25. Carbofuran	0.04	0.04	Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood or nervous or reproductive systems.
26. Chlordane	0	0.002	Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system and may have an increased risk of getting cancer.
27. Dalapon	0.2	0.2	Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.

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28. Di (2-ethylhexyl) adipate	0.4	0.4	Some people who drink water containing di (2-ethylhexyl) adipate well in excess of the MCL over many years could experience general toxic effects or reproductive difficulties.
29. Di (2-ethylhexyl) phthalate	0	0.006	Some people who drink water containing di (2-ethylhexyl) phthalate in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.
30. Dibromochloropropane (DBCP)	0	0.0002	Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
31. Dinoseb	0.007	0.007	Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.
32. Dioxin (2,3,7,8-TCDD)	0	3×10^{-8}	Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
33. Diquat	0.02	0.02	Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.
34. Endothall	0.1	0.1	Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.
35. Endrin	0.002	0.002	Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.
36. Ethylene dibromide	0	0.00005	Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys and may have an increased risk of getting cancer.
37. Glyphosate	0.7	0.7	Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.
38. Heptachlor	0	0.0004	Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.
39. Heptachlor epoxide	0	0.0002	Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.
40. Hexachlorobenzene	0	0.001	Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.
41. Hexachlorocyclopentadiene	0.05	0.05	Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.
42. Lindane	0.0002	0.0002	Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.
43. Methoxychlor	0.04	0.04	Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.
44. Oxamyl (vydate)	0.2	0.2	Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.
45. Pentachlorophenol	0	0.001	Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys and may have an increased risk of getting cancer.
46. Picloram	0.5	0.5	Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.

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47. Polychlorinated biphenyls (PCBs)	0	0.0005	Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties and may have an increased risk of getting cancer.
48. Simazine	0.004	0.004	Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.
49. Toxaphene	0	0.003	Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid and may have an increased risk of getting cancer.
E. Volatile Organic Chemicals (VOCs)			
50. Benzene	0	0.005	Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets and may have an increased risk of getting cancer.
51. Carbon tetrachloride	0	0.005	Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
52. Chlorobenzene (monochlorobenzene)	0.1	0.1	Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.
53. o-Dichlorobenzene	0.6	0.6	Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.
54. p-Dichlorobenzene	0.075	0.075	Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen or changes in their blood.
55. 1,2-Dichloroethane	0	0.005	Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.
56. 1,1-Dichloroethylene	0.007	0.007	Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
57. cis-1,2-Dichloroethylene	0.07	0.07	Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
58. trans-1,2-Dichloroethylene	0.1	0.1	Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.
59. Dichloromethane	0	0.005	Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer.
60. 1,2-Dichloropropane	0	0.005	Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.
61. Ethylbenzene	0.7	0.7	Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.
62. Styrene	0.1	0.1	Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system.
63. Tetrachloroethylene	0	0.005	Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver and may have an increased risk of getting cancer.
64. Toluene	1	1	Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.
65. 1,2,4-Trichlorobenzene	0.07	0.07	Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.
66. 1,1,1-Trichloroethane	0.2	0.2	Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.

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67. 1,1,2-Trichloroethane	0.003	0.005	Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.
68. Trichloroethylene	0	0.005	Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
69. Vinyl chloride	0	0.002	Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.
70. Xylenes (total)	10	10	Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.
F. Radioactive Contaminants			
71. Beta/photon emitters	0	4 mrem/yr	Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta particle and photon emitters radioactivity in excess of the MCL over many years may have an increased risk of getting cancer.
72. Alpha emitters	0	15 pCi/l	Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.
73. Combined radium (226 and 228)	0	5 pCi/l	Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.
74. Uranium	0	30 µg/l	Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity.
G. Disinfection Byproducts (DBPs): Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). EPA sets standards for controlling the levels of disinfectants and DBPs in drinking water.			
74: 75. Total trihalomethanes (TTHMs)	N/A	0.10⁶ 0.080 ⁶	Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system and may have an increased risk of getting cancer.
75: 76. Haloacetic acids (HAA)	N/A	0.060 ⁷	Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.
76: 77. Bromate	0	0.010	Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.
77: 78. Chlorite	0.08	1.0	Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.
78: 79. Chlorine	4 MRDLG	4.0 MRDL	Some people who use drinking water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.
79: 80. Chloramines	4 MRDLG	4.0 MRDL	Some people who use drinking water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.

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80a 81a. Chlorine dioxide, where any 2 two consecutive daily samples taken at the entrance to the distribution system are above the MRDL	0.8 MRDLG	0.8 MRDL	Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia. Add for public notification only: The chlorine dioxide violations reported today are the result of exceedances at the treatment facility only, not within the distribution system that delivers water to consumers. Continued compliance with chlorine dioxide levels within the distribution system minimizes the potential risk of these violations to consumers.
80b 81b. Chlorine dioxide, where one or more distribution system samples are above the MRDL	0.8 MRDLG	0.8 MRDL	Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia. Add for public notification only: The chlorine dioxide violations reported today include exceedances of the EPA standard within the distribution system which that delivers water to consumers. Violations of the chlorine dioxide standard within the distribution system may harm human health based on short term exposures. Certain groups, including fetuses, infants, and young children, may be especially susceptible to nervous system effects from excessive chlorine dioxide exposure.
81 82. Control of DBP precursors (TOC)	None	TT	Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection byproducts. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these byproducts in excess of the MCL may lead to adverse health effects, liver or kidney kidney problems, or nervous system effects and may lead to an increased risk of getting cancer.
H. Other Treatment Techniques			
82 83. Acrylamide	0	TT	Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood and may have an increased risk of getting cancer.
83 84. Epichlorohydrin	0	TT	Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems and may have an increased risk of getting cancer.

Key:

MCLG - Maximum contaminant level goal.

MCL - Maximum contaminant level.

MRDL = Maximum residual disinfectant level.

MRDLG = Maximum residual disinfectant level goal.

NTU - Nephelometric turbidity unit.

TT - Treatment technique.

MFL - Millions of fiber per liter.

Action Level (Lead) = 0.015 mg/l.

Action Level (Copper) = 1.3 mg/l.

mrem - millirems per year.

ppq - picocuries per liter.

(+) ¹For water systems analyzing at least forty (40) samples per month, no more than five percent (5.0%) of the monthly samples may be positive for total coliforms. For systems analyzing fewer than forty (40) samples per month, no more than one (1) sample per month may be positive for total coliforms.

²**There are various regulations that set turbidity standards for different types of systems, including the 1989 Surface Water Treatment Rule, the 1998 Interim Enhanced Surface Water Treatment Rule, and the 2001 Long Term 1 Enhanced Surface Water Treatment Rule. The following apply:**

(1) Systems subject to 327 IAC 8-2-8.5 through 327 IAC 8-2-8.8 (also known as the Surface Water Treatment Rule

(SWTR)), for both filtered and unfiltered systems, may not exceed five (5) NTU. In addition, in filtered systems, ninety-five percent (95%) of samples each month must not exceed five-tenths (0.5) NTU in systems using conventional or direct filtration and must not exceed one (1) NTU in systems using slow sand or diatomaceous earth filtration or other filtration technologies approved by the commissioner.

(2) For systems subject to 327 IAC 8-2.6-1, 327 IAC 8-2.6-2, 327 IAC 8-2.6-3, 327 IAC 8-2.6-4, and 327 IAC 8-2.6-5 (also known as the Interim Enhanced Surface Water Treatment Rule (IESWTR)), for systems serving at least ten thousand (10,000) individuals using surface water or ground water under the direct influence of surface water that use conventional filtration or direct filtration, after January 1, 2002, the turbidity level of a system's combined filter effluent may not exceed three-tenths (0.3) NTU in at least ninety-five percent (95%) of monthly measurements, and the turbidity level of a system's combined filter effluent must not exceed one (1) NTU at any time.

(3) Systems subject to 327 IAC 8-2.6-1, 327 IAC 8-2.6-2, 327 IAC 8-2.6-3, 327 IAC 8-2.6-4, and 327 IAC 8-2.6-5, the IESWTR, using technologies other than conventional, direct, slow sand, or diatomaceous earth filtration must meet turbidity limits set by the commissioner.

(4) For systems subject to 327 IAC 8-2.6-1 through 327 IAC 8-2.6-5 (also known as the Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR)), for systems serving fewer than ten thousand (10,000) individuals using surface water or ground water under the direct influence of surface water that use conventional filtration or direct filtration, after January 1, 2005, the turbidity level of a system's combined filter effluent may not exceed three-tenths (0.3) NTU in at least ninety-five percent (95%) of monthly measurements, and the turbidity level of a system's combined filter effluent must not exceed one (1) NTU at any time.

(5) Systems subject to 327 IAC 8-2.6-1 through 327 IAC 8-2.6-5, the LT1ESWTR, using technologies other than conventional, direct, slow sand, or diatomaceous earth filtration must meet turbidity limits set by the commissioner.

(2) ³The bacteria detected by heterotrophic plate count (HPC) are not necessarily harmful. HPC is simply an alternative method of determining disinfectant residual levels. The number of such bacteria is an indicator of whether there is enough disinfectant in the distribution system.

(3) ⁴SWTR, IESWTR, and LT1ESWTR treatment technique violations that involve turbidity exceedances may use the health effects language for turbidity instead.

(4) The bacteria detected by heterotrophic plate count (HPC) are not necessarily harmful. HPC is simply an alternative method of determining disinfectant residual levels. The number of such bacteria is an indicator of whether there is enough disinfectant in the distribution system.

⁵The arsenic MCL and MCLG are effective January 1, 2006. Until then, the MCL is 0.05 mg/l and there is no MCLG.

(5) ⁶The MCL for total trihalomethanes TTHM is the sum of the concentrations of the individual trihalomethanes.

⁷The MCL for haloacetic acids is the sum of the concentrations of the individual haloacetic acids.

(Water Pollution Control Board; 327 IAC 8-2.1-17; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1118; errata filed Feb 22, 2002, 2:01 p.m.: 25 IR 2254; filed May 1, 2003, 12:00 p.m.: 26 IR 2833; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3240)

SECTION 27. 327 IAC 8-2.6-1 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2.6-1 General requirements; enhanced filtration and disinfection

Authority: IC 13-13-5-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-18-3-2
 Affected: IC 13-12-3-1; IC 13-13-5-2; IC 13-14-9; IC 13-18-11

Sec. 1. (a) Upon the effective date of this rule, unless otherwise specified in this section, all Subpart H systems serving a population of at least ten thousand (10,000) individuals **and, beginning January 1, 2005, systems serving a population of fewer than ten thousand (10,000) individuals** shall establish treatment technique requirements **in lieu instead of maximum contaminant levels MCLs** for the following contaminants:

- (1) Giardia lamblia.
- (2) Viruses.
- (3) Heterotrophic plate count bacteria.
- (4) Legionella.
- (5) Cryptosporidium.
- (6) Turbidity.

The systems shall also provide treatment of their source water that complies with these treatment technique requirements in addition to those identified in 327 IAC 8-2-8.5.

(b) The treatment technique requirements consist of installing and properly operating water treatment processes that reliably achieve the following:

- (1) At least ninety-nine percent (99%) (2-log) removal of Cryptosporidium between a point where the raw water is not subject to recontamination by surface water run-off and a point downstream before or at the first customer for filtered systems or Cryptosporidium control under the water shed control plan for unfiltered systems.
- (2) Compliance with the profiling and benchmark requirements under section 2 of this rule **for systems serving a population of at least ten thousand (10,000) individuals and, beginning January 1, 2005, section 2.1 of this rule for systems serving a population of fewer than ten thousand (10,000) individuals.**

(c) A public water system subject to ~~the requirements of this~~

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section is considered to be in compliance with ~~the requirements of~~ subsections (a) and (b) if it meets the:

- (1) disinfection requirements in 327 IAC 8-2-8.6 and section 2 of this rule; or
- (2) applicable filtration requirements in either 327 IAC 8-2-8.5 or section 3 of this rule and the disinfection requirements in 327 IAC 8-2-8.6 and section 2 of this rule;

for systems serving a population of at least ten thousand (10,000) individuals and, beginning January 1, 2005, section 2.1 of this rule for systems serving a population of fewer than ten thousand (10,000) individuals.

(d) Subpart H systems ~~serving a population of greater than ten thousand (10,000)~~ are not permitted to begin construction of uncovered finished water storage facilities after the effective date of this rule.

(e) Subpart H systems that did not conduct optional monitoring under section 2 of this rule when such monitoring was required because they served fewer than ten thousand (10,000) individuals but serve more than ten thousand (10,000) individuals prior to January 1, 2005, must comply with this section and sections 3 through 5 of this rule. These systems must also consult with the commissioner to establish a disinfection benchmark. A system that decides to make a significant change to its disinfection practice, as described in section 2(c)(1)(A) through 2(c)(1)(D) of this rule must consult with the commissioner before making such change. (Water Pollution Control Board; 327 IAC 8-2.6-1; filed May 1, 2003, 12:00 p.m.: 26 IR 2854; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3247)

SECTION 28. 327 IAC 8-2.6-2 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2.6-2 Disinfection profiling and benchmarking for systems serving a population of at least 10,000 individuals

Authority: IC 13-13-5-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-18-3-2
Affected: IC 13-12-3-1; IC 13-13-5-2; IC 13-14-9; IC 13-18-11

Sec. 2. (a) A public water system subject to ~~the requirements of~~ this section will determine its TTHM annual average using the procedure in subdivision (1) and its HAA5 annual average using the procedure in subdivision (2). The annual average is the arithmetic average of the quarterly averages of four (4) consecutive quarters of monitoring. A public water system subject to ~~the requirements of~~ this section shall meet the following monitoring requirements to determine its TTHM annual average and its HAA5 annual average:

- (1) The TTHM annual average must be the annual average during the same period as is used for the HAA5 annual average. Those Subpart H systems serving a population of ~~greater than~~ **at least** ten thousand (10,000) individuals that:
 - (A) collected data under 40 CFR 141* must use the results

of the samples collected during the last four (4) quarters of required monitoring under 40 CFR 141.142*;

(B) use grandfathered HAA5 occurrence data that meet the provisions of subdivision (2)(B) must use the TTHM data collected at the same time under 327 IAC 8-2-5(a) and 327 IAC 8-2-5.3; and

(C) use HAA5 occurrence data that meet the provisions of subdivision (2)(C)(i) must use the TTHM data collected at the same time under 327 IAC 8-2-5(a) and 327 IAC 8-2-5.3.

(2) The HAA5 annual average must be the annual average during the same period as is used for the TTHM annual average. Those Subpart H systems serving a population of ~~greater than~~ **at least** ten thousand (10,000) individuals that:

(A) collected data under 40 CFR 141* must use the results of the samples collected during the last four (4) quarters of required monitoring under 40 CFR 141.142*;

(B) have collected four (4) quarters of HAA5 occurrence data that meets the routine monitoring sample number and location requirements for TTHM in 327 IAC 8-2-5(a) and 327 IAC 8-2-5.3 and handling and analytical method requirements of 40 CFR 141.142(b)(1)* may use those data to determine whether ~~the requirements of this section apply;~~ **applies;** and

(C) have not collected four (4) quarters of HAA5 occurrence data that meets the provisions of ~~either~~ clause (A) or (B) by March 16, 1999, must either:

(i) conduct monitoring for HAA5 that meets the routine monitoring sample number and location requirements for TTHM in 327 IAC 8-2-5(a), 327 IAC 8-2-5.3, and handling and analytical method requirements of 40 CFR 141.142(b)(1)* to determine the HAA5 annual average and whether ~~the requirements of~~ subsection (b) **apply-applies.** This monitoring must be completed so that the applicability determination can be made no later than March 31, 2000; or

(ii) comply with all other provisions of this section as if the HAA5 monitoring had been conducted and the results required compliance with subsection (b).

(3) Subpart H systems serving a population of ~~greater than~~ **at least** ten thousand (10,000) individuals may request that the commissioner approve a more representative annual data set than the data set determined under subdivision (1) or (2) for the purpose of determining applicability of ~~the requirements of~~ this section.

(4) The commissioner may require that a system use a more representative annual data set than the data set determined under subdivision (1) or (2) for the purpose of determining applicability of ~~the requirements of~~ this section.

(5) Subpart H systems serving a population of ~~greater than~~ **at least** ten thousand (10,000) individuals shall submit data to the commissioner based on the following schedules:

(A) Those Subpart H systems serving a population of ~~greater than~~ **at least** ten thousand (10,000) individuals that collected TTHM and HAA5 data under 40 CFR 141*, as

required by subdivisions (1)(A) and (2)(A), shall submit the results of the samples collected during the last twelve (12) months of monitoring required under 40 CFR 141.142* not later than December 31, 1999.

(B) Those Subpart H systems serving a population of ~~greater than~~ **at least** ten thousand (10,000) individuals that have collected four (4) consecutive quarters of HAA5 occurrence data that meets the routine monitoring sample number and location for TTHM in 327 IAC 8-2-5(a), 327 IAC 8-2-5.3, and handling and analytical method requirements of 40 CFR 141.142(b)(1)*, as allowed by subdivisions (1)(B) and (2)(B), must submit those data to the commissioner not later than April 15, 1999. Until the commissioner has approved the data, the system shall conduct monitoring for HAA5 using the monitoring requirements specified under subdivision (2)(C).

(C) Subpart H systems serving a population of ~~greater than~~ **at least** ten thousand (10,000) individuals that conduct monitoring for HAA5 using the monitoring requirements specified by subdivision (2)(C)(i) shall submit TTHM and HAA5 data not later than March 31, 2000.

(D) Those systems that elect to comply with all other provisions of this section as if the HAA5 monitoring had been conducted and the results required compliance with this section, as allowed under subdivision (2)(C)(ii), shall notify the commissioner in writing of their election not later than December 31, 1999.

(E) If the system elects to represent that the commissioner approve a more representative annual data set than the data set determined under subdivision (2)(A), the system must submit this request in writing not later than December 31, 1999.

(6) Any Subpart H systems serving a population of ~~greater than~~ **at least** ten thousand (10,000) individuals having either a TTHM annual average greater than or equal to sixty-four thousandths (0.064) milligram per liter or an HAA5 annual average greater than or equal to forty-eight thousandths (0.048) milligram per liter during the period identified in subdivisions (1) and (2) shall comply with subsection (b).

(b) Disinfection profiling requirements are as follows:

(1) Any Subpart H system serving a population of ~~greater than~~ **at least** ten thousand (10,000) individuals that meets the criteria in subsection (a)(6) shall develop a disinfection profile of its disinfection practice for a period of up to three (3) years.

(2) Not later than April 1, 2000, Subpart H systems serving a population of ~~greater than~~ **at least** ten thousand (10,000) individuals shall monitor daily for a period of twelve (12) consecutive calendar months to determine the total logs of inactivation for each day of operation based on the CT99.9 values in Tables 1.1 through 1.6, 2.1, and 3.1 of 40 CFR 141.74(b)*, as appropriate, through the entire treatment plant. At a minimum, Subpart H systems serving a population of ~~greater than~~ **at least** ten thousand (10,000) individuals with a single or multiple point of disinfectant application prior to

entrance to the distribution system shall conduct the monitoring in clauses (A) through (D) for each disinfection segment. The system shall monitor the parameters necessary to determine the total ~~inactivation~~ **inactivation** ratio using analytical methods in 327 IAC 8-2-8.7 as follows:

(A) The temperature of the disinfection water shall be measured one (1) time per day at each residual disinfectant concentration sampling point during peak hourly flow.

(B) If the system uses chlorine, the pH of the disinfected water shall be measured one (1) time per day at each chlorine residual disinfectant concentration sampling point during peak hourly flow.

(C) The disinfectant contact time (T) shall be determined for each day during peak hourly flow.

(D) The residual disinfectant concentration (C) of the water before or at the first customer and prior to each additional point of disinfection shall be measured each day during peak hourly flow.

(3) ~~In lieu~~ **Instead** of the monitoring conducted under subdivision (2) to develop the disinfection profile, Subpart H systems serving a population of ~~greater than~~ **at least** ten thousand (10,000) individuals may elect to meet either of the following requirements:

(A) Not later than March 31, 2000, Subpart H systems serving a population of ~~greater than~~ **at least** ten thousand (10,000) individuals that ~~has~~ **have** three (3) years of existing operational data may submit those data, a profile generated using those data, and a request that the commissioner approve use of those data ~~in lieu~~ **instead** of monitoring under subdivision (2). The commissioner shall determine whether these operational data are substantially equivalent to data collected under subdivision (2) and whether these data are representative of Giardia lamblia inactivation through the entire treatment plant and not just of certain treatment segments. Until the commissioner approves this request, the system is required to conduct monitoring under subdivision (2).

(B) In addition to the disinfection profile generated under subdivision (2), Subpart H systems serving a population of ~~greater than~~ **at least** ten thousand (10,000) individuals that ~~has~~ **have** existing operational data may use those data to develop a disinfection profile for additional years. Subpart H systems serving a population of ~~greater than~~ **at least** ten thousand (10,000) **individuals** may use these additional yearly disinfection profiles to develop a benchmark under subsection (c). The commissioner shall determine whether these operational data are substantially equivalent to data collected under subdivision (2). These data must also be representative of inactivation through the entire treatment plant and not just of certain treatment segments.

(4) Subpart H systems serving a population of ~~greater than~~ **at least** ten thousand (10,000) individuals shall calculate the total inactivation ratio as follows:

(A) If the system uses only one (1) point of disinfectant application, the system may determine the total inactivation

ratio for the disinfection segment by using either of the following methods:

- (i) Determine one (1) inactivation ratio ($CT_{calc}/CT_{99,9}$) before or at the first customer during peak hourly flow.
- (ii) Determine successive $CT_{calc}/CT_{99,9}$ values, representing sequential inactivation ratios, between the point of disinfectant application and a point before or at the first customer during peak hourly flow. Under this alternative, the system must calculate the total inactivation ratio by determining ($CT_{calc}/CT_{99,9}$) for each sequence and then adding the ($CT_{calc}/CT_{99,9}$) values together to determine ($\sum (CT_{calc}/CT_{99,9})$).

(B) Subpart H systems serving a population of **greater than at least** ten thousand (10,000) individuals that use more than one (1) point of disinfectant application before the first customer shall determine the CT value of each disinfection segment immediately prior to the next point of disinfectant application, or for the final segment, before or at the first customer, during peak hourly flow. The ($CT_{calc}/CT_{99,9}$) value of each segment and ($\sum (CT_{calc}/CT_{99,9})$) shall be calculated using the method in clause (A).

(C) Subpart H systems serving a population of **greater than at least** ten thousand (10,000) individuals shall determine the total logs of inactivation by multiplying the value calculated in clause (A) or (B) by three and zero-tenths (3.0).

(5) Subpart H systems serving a population of **greater than at least** ten thousand (10,000) individuals that use either chloramines or ozone for primary disinfection shall also calculate the logs of inactivation for viruses using a method approved by the commissioner.

(6) Subpart H systems serving a population of **greater than at least** ten thousand (10,000) individuals shall retain disinfection profile data in graphic form, as a spreadsheet, or in some other format acceptable to the commissioner for review as part of sanitary surveys conducted by the commissioner.

(c) Disinfection benchmarking requirements are as follows:

(1) A Subpart H system serving a population of **greater than at least** ten thousand (10,000) individuals required to develop a disinfection profile under subsections (a) and (b) that decides to make a significant change to its disinfection practice shall consult with the commissioner **prior to before** making **such the** change. As used in this subdivision, "significant changes" means **changes to** the following:

- (A) ~~Changes to the~~ Point of disinfection.
- (B) ~~Changes to the~~ Disinfectants used in the treatment plant.
- (C) ~~Changes to the~~ Disinfection process.
- (D) Any other modification identified by the commissioner.

(2) A Subpart H system serving a population of **greater than at least** ten thousand (10,000) individuals that is modifying its disinfection practice shall calculate its disinfection benchmark using the following procedures:

- (A) Subpart H systems serving a population of **greater than at least** ten thousand (10,000) individuals shall determine

the lowest average monthly Giardia lamblia inactivation for each year of profiling data collected and calculated under subsection (b). The system shall determine the average Giardia lamblia inactivation for each calendar month for each year of profiling data by dividing the sum of daily Giardia lamblia inactivation by the number of values calculated for that month.

(B) The disinfection benchmark is the lowest monthly average value (for Subpart H systems serving a population of **greater than at least** ten thousand (10,000) with one (1) year of profiling data) or average of lowest monthly average values (for Subpart H systems serving a population of **greater than at least** ten thousand (10,000) individuals with more than one (1) year of profiling data) of the monthly logs of Giardia lamblia inactivation for each year of profiling data.

(C) Subpart H systems serving a population of **greater than at least** ten thousand (10,000) individuals that use either chloramines or ozone for primary disinfection shall also calculate the disinfection benchmark for viruses using a method approved by the commissioner.

(D) The system shall submit the following information to the commissioner as part of its consultation process:

- (i) A description of the proposed change in disinfection practice.
- (ii) The disinfection profile for Giardia lamblia (and, if necessary, viruses) under subsection (b) and benchmark as required by this subsection.
- (iii) An analysis of how the proposed change will affect the current levels of disinfection.

*40 CFR 141, 40 CFR 141.142, 40 CFR 141.142(b)(1), and 40 CFR 141.74(b) are incorporated by reference and are available for copying at the Indiana Department of Environmental Management, Office of Water Quality, 100 North Senate Avenue, Room 1255, Indianapolis, Indiana 46206. (*Water Pollution Control Board; 327 IAC 8-2.6-2; filed May 1, 2003, 12:00 p.m.: 26 IR 2854; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3248*)

SECTION 29. 327 IAC 8-2.6-2.1 IS ADDED TO READ AS FOLLOWS:

327 IAC 8-2.6-2.1 Disinfection profiling and benchmarking for systems serving a population of fewer than 10,000 individuals beginning January 1, 2005

Authority: IC 13-13-5-1; IC 13-14-8-7; IC 13-18-3-1; IC 13-18-3-2; IC 13-18-6
Affected: IC 13-14-9

Sec. 2.1. (a) A disinfection profile is a graphical representation of a system's level of Giardia lamblia or virus inactivation measured during the course of a year. Beginning January 1, 2005, Subpart H systems serving a population of fewer than ten thousand (10,000) individuals must develop

a disinfection profile unless the commissioner determines that the system's profile is unnecessary. The commissioner may approve the use of a more representative data set for disinfection profiling than the data set required under subsection (c).

(b) The commissioner may only determine that a system's profile is unnecessary if a system's TTHM and HAA5 levels are below sixty-four thousandths (0.064) mg/l and forty-eight thousandths (0.048) mg/l, respectively. To determine these levels, TTHM and HAA5 samples must be collected after January 1, 1998, during the month with the warmest water temperature and at the point of maximum residence time in a system's distribution system.

(c) Disinfection profiling requirements are as follows:

(1) A disinfection profile consists of three (3) steps:

(A) Subpart H systems serving a population of fewer than ten thousand (10,000) individuals must collect data for several parameters from the plant over the course of twelve (12) months according to subdivision (2). If the system serves more than five hundred (500) and fewer than ten thousand (10,000) individuals, the system must begin to collect data no later than July 1, 2003. If the system serves fewer than five hundred (500) individuals, the system must begin to collect data no later than January 1, 2004.

(B) The system must use this data to calculate weekly log inactivation according [sic.] subdivisions (3) and (4).
 (C) The system must use these weekly log inactivations to develop a disinfection profile as specified in subdivisions (5) through (8).

(2) Subpart H systems serving a population of fewer than ten thousand (10,000) individuals must monitor the following parameters to determine the total log inactivation using the analytical methods in 327 IAC 8-2-8.7, once per week on the same calendar day, over twelve (12) consecutive months:

(A) The temperature of the disinfected water at each residual disinfectant concentration sampling point during peak hourly flow.

(B) If the system uses chlorine, the pH of the disinfected water at each residual disinfectant concentration sampling point during peak hourly flow.

(C) The disinfectant contact time or times (T) during peak hourly flow.

(D) The residual disinfectant concentration or concentrations (C) of the water before or at the first customer and prior to each additional point of disinfection during peak hourly flow.

(3) Calculate the total inactivation ratio using the following table and multiply the value by three and zero-tenths (3.0) to determine log inactivation of *Giardia lamblia*:

For systems that ***	The system must determine ***
(A) Use only one (1) point of disinfectant application	(i) One (1) inactivation ratio ($CT_{calc}/CT_{99.9}$) before or at the first customer during peak hourly flow or (ii) Successive $CT_{calc}/CT_{99.9}$ values, representing sequential inactivation ratios, between the point of disinfectant application and a point before or at the first customer during peak hourly flow. Under this alternative, systems must calculate the total inactivation ratio by determining ($CT_{calc}/CT_{99.9}$) for each sequence and then adding the ($CT_{calc}/CT_{99.9}$) values together to determine ($3CT_{calc}/CT_{99.9}$).
(B) Use more than one (1) point of disinfectant application before the first customer	The ($CT_{calc}/CT_{99.9}$) value of each disinfection segment immediately prior to the next point of disinfectant application, or, for the final segment, before or at the first customer during peak hourly flow using the procedure specified in (A)(ii) of this table.

(4) Subpart H systems serving a population of fewer than ten thousand (10,000) individuals that use chloramines, ozone, or chlorine dioxide for primary disinfection must also calculate the logs of inactivation for viruses and develop an additional disinfection profile for viruses using methods approved by the commissioner.

(5) Develop a disinfection profile by plotting each log inactivation as a data point. Systems should have fifty-two (52) measurements to plot (one (1) for every week of the year).

(6) Subpart H systems serving a population of fewer than ten thousand (10,000) individuals and the commissioner should evaluate the disinfection profile to examine microbial inactivation variations over the course of the year by

looking at all fifty-two (52) measurements.

(7) Subpart H systems serving a population of fewer than ten thousand (10,000) individuals must retain the disinfection profile data in graphic form, such as a spreadsheet, that must be available for review by the commissioner as part of a sanitary survey.

(8) Subpart H systems serving a population of fewer than ten thousand (10,000) individuals must use this data to calculate a benchmark if they are considering changes to disinfection practices.

(d) Disinfection benchmark requirements are as follows:

(1) Subpart H systems serving a population of fewer than ten thousand (10,000) individuals that are required to

develop a disinfection profile under subsections (a) through (c) must develop a disinfection benchmark if a significant change is made to the system's disinfection practices.

(2) Subpart H systems serving a population of fewer than ten thousand (10,000) individuals must consult with the commissioner for approval before implementing a significant disinfection practice change. Significant changes to disinfection practices include changes to the following:

- (A) Point of disinfection.
- (B) Disinfectant or disinfectants used in the treatment plant.
- (C) Disinfection process.
- (D) Any other modification identified by the commissioner.

(3) Subpart H systems serving a population of fewer than ten thousand (10,000) individuals that are considering a significant change to their disinfection practices must calculate a disinfection benchmark or benchmarks according to subdivisions (4) and (5) and provide the benchmark or benchmarks to the commissioner. Subpart H systems serving a population of fewer than ten thousand (10,000) individuals may make a significant disinfection practice change only after consulting with the commissioner for approval. Subpart H systems serving a population of fewer than ten thousand (10,000) individuals must submit the following information to the commissioner as part of the consultation and approval process:

- (A) A description of the proposed change.
- (B) The disinfection profile for *Giardia lamblia* (and, if necessary, viruses) and disinfection benchmark.
- (C) An analysis of how the proposed change will affect the current levels of disinfection.
- (D) Any additional information requested by the commissioner.

(4) Subpart H systems serving a population of fewer than ten thousand (10,000) individuals that are making a significant change to their disinfection practices must calculate a disinfection benchmark using the following procedure:

(A) Using the data collected by the system to develop the disinfection profile, determine the average *Giardia lamblia* inactivation for each calendar month by dividing the sum of all *Giardia lamblia* inactivations for that month by the number of values calculated for that month.

(B) Determine the lowest monthly average value out of the twelve (12) values. This value becomes the disinfection benchmark.

(5) Subpart H systems serving a population of fewer than ten thousand (10,000) individuals and using chloramines, ozone, or chlorine dioxide for primary disinfection must calculate the disinfection benchmark from the data collected for viruses by the system to develop the disinfection profile in addition to the *Giardia lamblia* disinfection benchmark calculated under subdivision (4). This viral

benchmark must be calculated in the same manner used to calculate the *Giardia lamblia* disinfection benchmark in subdivision (4).

(Water Pollution Control Board; 327 IAC 8-2.6-2.1; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3250)

SECTION 30. 327 IAC 8-2.6-3 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2.6-3 Enhanced filtration

Authority: IC 13-13-5-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-18-3-2
Affected: IC 13-12-3-1; IC 13-13-5-2; IC 13-14-9; IC 13-18-11

Sec. 3. By December 31, 2001, Subpart H systems serving a population of ~~greater than~~ **at least** ten thousand (10,000) individuals **and, beginning January 1, 2005, Subpart H systems serving a population of fewer than ten thousand (10,000) individuals** shall provide treatment consisting of both disinfection, as specified in 327 IAC 8-2-8.6, and filtration treatment that complies with the following:

(1) Requirements for systems using conventional filtration or direct filtration are as follows:

(A) For Subpart H systems ~~serving a population of greater than ten thousand (10,000) individuals~~ using conventional filtration or direct filtration, the turbidity level of representative samples of the system's filtered water must be less than or equal to three-tenths (0.3) nephelometric turbidity unit in at least ninety-five percent (95%) of the measurements taken each month, measured as specified in 327 IAC 8-2-8.7 and 327 IAC 8-2-8.8.

(B) The turbidity level of representative samples of the system's filtered water must at no time exceed one (1) nephelometric turbidity unit, measured as specified in 327 IAC 8-2-8.7 and 327 IAC 8-2-8.8.

(C) A system that uses lime softening may acidify representative samples prior to analysis using a protocol approved by the commissioner.

(2) A Subpart H system ~~serving a population greater than ten thousand (10,000)~~ may use filtration technologies other than:

- (A) conventional filtration treatment;
- (B) direct filtration;
- (C) slow sand filtration; or
- (D) diatomaceous earth filtration;

if it demonstrates to the commissioner, using pilot plant studies or other means, that the alternative filtration technology, in combination with disinfection treatment that meets the requirements of 327 IAC 8-2-8.6, consistently achieves ninety-nine and nine-tenths percent (99.9%) removal or inactivation of *Giardia lamblia* cysts and ninety-nine and ninety-nine hundredths percent (99.99%) removal or inactivation of viruses, and ninety-nine percent (99%) removal of *Cryptosporidium* oocysts, and the commissioner approves the use of the filtration technology.

(3) For each approval under subdivision (2), the commissioner will set turbidity performance requirements that the system must meet at least ninety-five percent (95%) of the

time (**not to exceed 1 NTU**) and that the system may not exceed at any time at a level that consistently achieves ninety-nine and nine-tenths percent (99.9%) removal or inactivation of *Giardia lamblia* cysts, ninety-nine and ninety-nine hundredths percent (99.99%) removal or inactivation of viruses, and ninety-nine percent (99%) removal of *Cryptosporidium* oocysts (**not to exceed 5 NTU**).

(Water Pollution Control Board; 327 IAC 8-2.6-3; filed May 1, 2003, 12:00 p.m.: 26 IR 2857; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3252)

SECTION 31. 327 IAC 8-2.6-4 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2.6-4 Filtration sampling requirements

Authority: IC 13-13-5-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-18-3-2
 Affected: IC 13-12-3-1; IC 13-13-5-2; IC 13-14-9; IC 13-18-11

Sec. 4. (a) In addition to monitoring required by 327 IAC 8-2-8.7, a Subpart H system serving a population of **greater than at least ten thousand (10,000) individuals and, beginning January 1, 2005, a Subpart H system serving a population of fewer than ten thousand (10,000) individuals** that provides conventional filtration treatment or direct filtration shall comply with the following:

- (1) Conduct continuous monitoring of turbidity for each individual filter using an approved method in 327 IAC 8-2-8.7.
- (2) Calibrate turbidimeters using the procedure specified by the manufacturer.
- (3) Record the results of individual filter monitoring every fifteen (15) minutes.
- (4) Monthly reporting must be completed and records must be maintained according to section 5 of this rule.**

(b) If there is a failure in the continuous turbidity monitoring equipment, Subpart H systems serving a population of **greater than at least ten thousand (10,000) individuals** must conduct grab sampling every four (4) hours ~~in lieu~~ **instead** of continuous monitoring, but for no more than five (5) working days following the failure of the equipment. **Beginning January 1, 2005, a Subpart H system serving a population of fewer than ten thousand (10,000) individuals must conduct grab sampling every four (4) hours instead of continuous monitoring until the turbidimeter is back in operation. The system has fourteen (14) days to resume continuous monitoring before a violation is incurred.**

(c) **Beginning January 1, 2005, if a system serving a population of fewer than ten thousand (10,000) individuals only consists of two (2) or fewer filters, the system may conduct continuous monitoring of combined filter effluent turbidity instead of individual filter effluent turbidity monitoring. Continuous monitoring must meet the same requirements set forth in subsections (a) and (b).** *(Water Pollution Control Board; 327 IAC 8-2.6-4; filed May 1, 2003,*

12:00 p.m.: 26 IR 2857; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3253)

SECTION 32. 327 IAC 8-2.6-5 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2.6-5 Enhanced filtration and disinfection reporting and record keeping requirements

Authority: IC 13-13-5-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-18-3-2
 Affected: IC 13-12-3-1; IC 13-13-5-2; IC 13-14-9; IC 13-18-11

Sec. 5. Beginning January 1, 2002, a Subpart H system serving a population of ~~greater than at least ten thousand (10,000) individuals and, beginning January 1, 2005, a Subpart H system serving a population of fewer than ten thousand (10,000) individuals~~ that is subject to the requirements of section 3 of this rule and provides conventional filtration treatment or direct filtration shall meet the following requirements in addition to the reporting and record keeping requirements in 327 IAC 8-2-14:

(1) Turbidity measurements as required by section 3 of this rule shall be reported within ten (10) days after the end of each month the system serves water to the public. Information that ~~shall~~ **must** be reported includes the following:

- (A) The total number of filtered water turbidity measurements taken during the month.
- (B) The number and percentage of filtered water turbidity measurements taken during the month ~~which that~~ are less than or equal to the turbidity limits specified in section 3 of this rule.
- (C) The date and value of any turbidity measurements taken during the month that exceed:
 - (i) one and zero-tenths (1.0) nephelometric turbidity unit for systems using conventional filtration treatment or direct filtration; or
 - (ii) the maximum level set by the commissioner under section 3 of this rule. This reporting requirement is ~~in lieu~~ **instead** of the reporting specified in 327 IAC 8-2-14(b).

(2) Subpart H systems serving a population of ~~greater than at least ten thousand (10,000) individuals~~ shall maintain the results of individual filter monitoring taken under section 4 of this rule for at least three (3) years. These systems shall report that they have conducted individual filter turbidity monitoring under section 3 of this rule within ten (10) days after the end of each month they serve water to the public if measurements demonstrate one (1) or more of the following conditions:

- (A) For any individual filter that has a measured turbidity level of greater than one and zero-tenths (1.0) nephelometric turbidity unit in two (2) consecutive measurements taken fifteen (15) minutes apart, Subpart H systems serving a population of ~~greater than at least ten thousand (10,000) individuals~~ shall report the:
 - (i) filter number; ~~the~~
 - (ii) turbidity measurement; and ~~the~~
 - (iii) date ~~on which when~~ the exceedance occurred.

In addition, the system shall either produce a filter profile for the filter within seven (7) days of the exceedance, if the system is not able to identify an obvious reason for the abnormal filter performance, and report that the profile has been produced or report the obvious reason for the exceedance.

(B) For any individual filter that has a measured turbidity level of greater than five-tenths (0.5) in two (2) consecutive measurements taken fifteen (15) minutes apart at the end of the first four (4) hours of continuous filter operation after the filter has been backwashed or otherwise taken off-line, Subpart H systems serving a population of **greater than at least ten thousand (10,000) individuals** shall report the:

- (i) filter number; ~~the~~
- (ii) turbidity **measurement**; and ~~the~~
- (iii) date ~~on which when~~ the exceedance occurred.

In addition, the system shall either produce a filter profile for the filter within seven (7) days of the exceedance, if the system is not able to identify an obvious reason for the abnormal filter performance, and report that the profile has been produced or report the obvious reason for the exceedance.

(C) For any individual filter that has a measured turbidity level of greater than one and zero-tenths (1.0) nephelometric turbidity unit in two (2) consecutive measurements taken fifteen (15) minutes apart at any time in each of three (3) consecutive months, Subpart H systems serving a population of **greater than at least ten thousand (10,000) individuals** shall report the filter number, the turbidity measurement, and the date ~~on which when~~ the exceedance occurred. In addition, the system shall conduct a self-assessment of the filter within fourteen (14) days of the exceedance and report that the self-assessment was conducted. The self-assessment shall consist of at least the following components:

- (i) Assessment of filter performance.
- (ii) Development of a filter profile.
- (iii) Identification and prioritization of factors limiting filter performance.
- (iv) Assessment of the applicability of corrections.
- (v) Preparation of a filter self-assessment report.

(D) For any individual filter that has a measured turbidity level of greater than two and zero-tenths (2.0) nephelometric turbidity units in two (2) consecutive measurements taken fifteen (15) minutes apart at any time in each of two (2) consecutive months, Subpart H systems serving a population of **greater than at least ten thousand (10,000) individuals** shall report the:

- (i) filter number; ~~the~~
- (ii) turbidity measurement; and ~~the~~
- (iii) date ~~on which when~~ the exceedance occurred.

In addition, the system shall arrange for the conduct of a **comprehensive performance evaluation CPE** by the commissioner or a third party approved by the commissioner no later than thirty (30) days following the exceedance and

have the evaluation completed and submitted to the commissioner no later than ninety (90) days following the exceedance.

(3) Additional reporting requirements **for Subpart H systems serving a population of at least ten thousand (10,000) individuals** are as follows:

(A) If at any time the turbidity exceeds one and zero-tenths (1.0) nephelometric turbidity unit in representative samples of filtered water in a Subpart H system serving a population of **greater than at least ten thousand (10,000) individuals** using conventional filtration treatment or direct filtration, the system shall inform the commissioner as soon as possible, but no later than the end of the next business day.

(B) If at any time the turbidity in representative samples of filtered water exceeds the maximum level set by the commissioner under section 3 of this rule for filtration technologies other than:

- (i) conventional filtration treatment;
- (ii) direct filtration;
- (iii) slow sand filtration; or
- (iv) diatomaceous earth filtration;

Subpart H systems serving a population of **greater than at least ten thousand (10,000) individuals** shall inform the commissioner as soon as possible, but no later than the end of the next business day.

(4) Beginning January 1, 2005, a Subpart H system serving a population of fewer than ten thousand (10,000) individuals shall maintain the results of individual filter monitoring taken under section 4 of this rule for at least three (3) years. The system shall report to the commissioner the results of conducting individual filter turbidity monitoring under section 3 of this rule within ten (10) days after the end of each month that water is served to the public if measurements demonstrate one (1) or more of the following conditions:

(A) If the turbidity of an individual filter (or the turbidity of combined filter effluent (CFE) for systems with two (2) filters that monitor CFE instead of individual filters) exceeds one and zero-tenths (1.0) NTU in two (2) consecutive recordings fifteen (15) minutes apart, a Subpart H system serving a population of fewer than ten thousand (10,000) individuals must report to the commissioner by the tenth day of the following month and include:

- (i) the filter number or numbers;**
- (ii) corresponding date or dates; and**
- (iii) turbidity value or values;**

that exceeded one and zero-tenths (1.0) NTU and the cause (if known) for the exceedance or exceedances.

(B) If a Subpart H system serving a population of fewer than ten thousand (10,000) individuals was required to report to the commissioner for three (3) months in a row and turbidity exceeded one and zero-tenths (1.0) NTU in two (2) consecutive recordings fifteen (15) minutes apart at the same filter (or CFE for systems with two (2) filters that monitor CFE instead of individual filters),

the system must conduct a self-assessment of the filter or filters within fourteen (14) days of the day the filter exceeded one and zero-tenths (1.0) NTU in two (2) consecutive measurements for the third straight month unless a CPE as specified in clause (C) was required. Systems with two (2) filters that monitor CFE instead of individual filters must conduct a self-assessment on both filters. The system must report to the commissioner the date that the self-assessment was triggered and the date it was completed. The self-assessment must consist of at least the following components:

- (i) Assessment of filter performance.
- (ii) Development of a filter profile.
- (iii) Identification and prioritization of factors limiting filter performance.
- (iv) Assessment of the applicability of corrections.
- (v) Preparation of a filter self-assessment report.

(C) If a Subpart H system serving a population of fewer than ten thousand (10,000) individuals was required to report to the commissioner for two (2) months in a row and turbidity exceeded two and zero-tenths (2.0) NTU in two (2) consecutive recordings fifteen (15) minutes apart at the same filter (or CFE for systems with two (2) filters that monitor CFE instead of individual filters), the system must arrange to have a CPE conducted by the commissioner or a third party approved by the commissioner not later than sixty (60) days following the day the filter exceeded two and zero-tenths (2.0) NTU in two (2) consecutive measurements for the second straight month. The system must also report to the commissioner that a CPE is required and the date that it was triggered within ten (10) days after the end of each month that water is served to the public. If a CPE has been completed by the commissioner or a third party approved by the commissioner within the twelve (12) prior months or the system and commissioner are jointly participating in an ongoing comprehensive technical assistance (CTA) project at the system, a new CPE is not required. If conducted, a CPE must be completed and submitted to the commissioner not later than one hundred twenty (120) days following the day the filter exceeded two and zero-tenths (2.0) NTU in two (2) consecutive measurements for the second straight month.

(5) Beginning January 1, 2005, disinfection profiling and benchmarking reporting and record keeping requirements for Subpart H systems serving a population of fewer than ten thousand (10,000) individuals are as follows:

(A) Disinfection profiling reporting and record keeping requirements are as follows:

- (i) Systems must report results of optional monitoring that show:
 - (AA) TTHM levels less than sixty-four thousandths (0.064) mg/l and HAA5 levels less than forty-eight thousandths (0.048) mg/l (only if the system is not conducting a profile); or

(BB) the system has begun disinfection profiling by July 1, 2003, for systems serving five hundred (500) to nine thousand nine hundred ninety-nine (9,999) and January 1, 2004, for systems serving fewer than five hundred (500).

(ii) Systems subject to disinfection profiling under section 2.1 of this rule must keep results of profiling (including raw data and analysis) indefinitely.

(B) Disinfection benchmarking reporting and record keeping requirements are as follows:

(i) A system considering a significant change to its disinfection practice that is subject to disinfection benchmarking requirements under section 2.1 of this rule must report the following to the commissioner:

(AA) A description of the proposed change in disinfection.

(BB) The system's disinfection profile for *Giardia lamblia* (and, if necessary, viruses).

(CC) The system's disinfection benchmark.

(DD) An analysis of how the proposed change will affect the current levels of disinfection.

(ii) Systems subject to disinfection benchmarking under section 2.1 of this rule must keep the benchmark (including raw data and analysis) indefinitely.

(6) Systems that use lime softening may apply to the commissioner for alternative exceedance levels for the levels specified in subdivision (2) and this subdivision (4) if they can demonstrate that higher turbidity levels in individual filters are due to lime carryover only and not due to degraded filter performance.

(Water Pollution Control Board; 327 IAC 8-2.6-5; filed May 1, 2003, 12:00 p.m.: 26 IR 2857; filed Jun 13, 2005, 2:30 p.m.: 28 IR 3253)

LSA Document #04-13(F)

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*IC 4-22-7-5(c) Notice from Secretary of State Regarding Documents Incorporated by Reference: ASTM Method D 2972-97B and C; ASTM Method D 3645-97B; ASTM Method D 2036-98A and B; ASTM Method D 4327-97; ASTM Method D 3859-98A and B; Kelada 01; QuikChem 10-204-00-1-X; Method 508A, Rev 1.0; Method 515.1, Rev 4.0; Method 515.2, Rev 1.1; Method 515.3, Rev 1.0; Method 531.2, Rev 1.0; Method 548.1, Rev 1.0; Method 549.2, Rev 1.0; Method 552.1, Rev 1.0; Method 555, Rev 1.0; Colisure test; E*Colite test; M-ColiBlue24 test; ReadyCult Coliforms 100 Presence/Absence test; Membrane Filter Technique using Chromocult Coliform Agar; Colitag test; Standard Method 9221A, D, and E; Standard Method 9222A, B, C, and D; Standard Method 9223; Method 3125; ASTM Method D 3454-97; ASTM Method D 2460-97; ASTM Method D 2907-97; ASTM Method D 3972-97; ASTM Method D 5174-97; ASTM Method D 5673-03; ASTM*

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Method D 4785-93; Method Ra-04; Method Ga-01-R; Method 200.8; Small Systems Compliance Technology List for the Surface Water Treatment Rule; Standard Method 4110B; Standard Method 2550; Standard Method 4500-SiO₂C, D, and E

TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

LSA Document #04-194(F)

DIGEST

Adds 675 IAC 14-4.3, the International Residential Code (IRC) for One and Two Family Dwellings, as the Indiana Residential Code. Repeals 675 IAC 14-4.2. Effective 90 days after filing with the secretary of state.

675 IAC 14-4.2 675 IAC 14-4.3

SECTION 1. 675 IAC 14-4.3 IS ADDED TO READ AS FOLLOWS:

Rule 4.3. Indiana Residential Code

675 IAC 14-4.3-1 Adoption by reference; title; availability; purpose

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 1. (a) That certain document being titled the 2003 International Residential Code for One and Two Family Dwellings, fifth printing, published by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, is hereby adopted by reference as if fully set out in this rule save and except those revisions made in this rule.

(b) This rule shall be known as the Indiana Residential Code, 2005 edition, and shall be published, except incorporated documents, by the fire and building services department for general distribution and use under that title. Wherever the term "this code" is used throughout this rule, it shall mean the Indiana Residential Code, 2005 edition.

(c) This rule is available for reference and review at the Department of Fire and Building Services, Indiana Government Center-South, 402 West Washington Street, Room W246, Indianapolis, Indiana 46204.

(d) The purpose of this code is to provide minimum requirements for safety and to safeguard property, public safety, and general welfare through affordability, by regulating and controlling the design, construction, installation, and quality of materials of residential structures as regulated by this code. (*Fire Prevention and Building Safety*

Commission; 675 IAC 14-4.3-1; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3256, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-2 Chapter 1; administration

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 4-21.5; IC 4-22-7-7; IC 22-12-1-16; IC 22-12-1-17; IC 22-12-7; IC 22-13-2-7; IC 22-13-5; IC 22-14; IC 22-15; IC 25-4; IC 25-31; IC 36-7

Sec. 2. Delete Chapter 1 and substitute as follows: (a) SECTION R101 Application is added to read as follows: SECTION R101 APPLICATION

The provisions of this code apply to the construction, prefabrication, alteration, addition, and remodel of detached one or two family dwellings and one family townhouses not more than 3 stories in height and their accessory structures.

This code does not apply to manufactured homes as defined in SECTION R202, SECTION AE201, and IC 22-12-1-16 except as addressed in APPENDIX E.

This code does not apply to mobile structures as defined in IC 22-12-1-17.

Townhouses are classified as Class 1 structures and detached one and two family dwellings and their accessory structures are classified as Class 2 structures.

Provisions in the appendices are not enforceable unless specifically adopted.

The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

EXCEPTION: Where the enforcement of a code provision would violate the listing of the equipment, appliance, manufacturer's instructions or certification of engineered products by a registered architect registered under IC 25-4 or a professional engineer registered under IC 25-31, the conditions of the listing, manufacturer's instructions, or professional certification by a registered architect or professional engineer shall apply.

(b) SECTION R102 is added to read as follows: SECTION R102 APPEALS AND INTERPRETATIONS

Appeals from orders issued by the Fire Prevention and Building Safety Commission, the state building commissioner, or the state fire marshal are governed by IC 4-21.5 and IC 22-12-7. Appeals from orders by a local unit of government are governed by IC 22-13-2-7 and local ordinance. Upon the written request of an interested person, the office of the state building commissioner may issue a written interpretation of a building law. The written interpretation as issued under IC 22-13-5 binds the interested person and the county or municipality with whom the interested person has the dispute until overruled under IC 4-21.5. A written interpretation of a building law binds all counties and municipalities if the office of the state building commissioner publishes the written interpretation of the building law in the Indiana Register under IC 4-22-7-7(b).

(c) SECTION R103 is added to read as follows: SECTION R103 PLANS

Plans shall be submitted for Class 1 structures as required by the General Administrative Rules (675 IAC 12-6) and for Class 2 structures as required by local ordinance.

(d) SECTION R104 is added to read as follows: SECTION R104 EXISTING CONSTRUCTION

For existing construction, see the General Administrative Rules (675 IAC 12-4) and local ordinance.

(e) SECTION R105 is added to read as follows: SECTION R105 ADDITIONS AND ALTERATIONS

Additions and alterations to any structure shall conform to that required for a new structure without requiring the existing structure to comply with all the requirements of this code. Additions or alterations shall not cause an existing structure to become unsafe.

(f) SECTION R106 is added to read as follows: SECTION R106 ALTERNATE MATERIALS, METHODS, AND EQUIPMENT

SECTION R106.1 ALTERNATE MATERIALS, METHODS, AND EQUIPMENT

The provisions of this code are not intended to limit the appropriate use of materials, appliances, equipment, or methods of design or construction not specifically prescribed by this code. The building official shall determine equivalence of the proposed alternate materials, appliances, equipment, or method of design or construction of that prescribed in this code in suitability, quality, strength, effectiveness, fire resistance, durability, dimensional stability, safety, and sanitation on the basis of evidence and/or tests as described in R106.2 and R106.3, as suitable to be approved. For Class 1 structures, alternate materials, methods, equipment, and design shall be as required by the General Administrative Rules (675 IAC 12-6-11). Compliance with specific provisions of the Indiana Building Code (675 IAC 13) or the Indiana Plumbing Code (675 IAC 16) in lieu of the requirements of this code shall be permitted as an alternate.

SECTION R106.2 EVIDENCE

The building official may require that evidence or proof be submitted to substantiate any claims that may be made regarding the proposed alternate.

SECTION R106.3 TESTS AND STANDARDS

The determination of equivalence shall be based on design or test methods or approved standards. In addition, the building official may accept as supporting data to assist in this determination duly authenticated reports from the Building Officials and Code Administrators International, Inc., Southern Building Code Congress International, Inc., International Conference of Building Officials, the International Code Council, Inc., or their successors, or acceptance

documents from the U.S. Department of Housing and Urban Development, the certification of a registered architect registered under IC 25-4 or a professional engineer registered under IC 25-31, or the General Administrative Rules (675 IAC 12).

Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. Tests shall be performed by an approved agency. Reports of such test shall be retained by the building official for a period required for retention of public records.

(g) SECTION R107 is added to read as follows: SECTION R107 WORKMANSHIP

General Workmanship. All construction methods shall be accepted practices to ensure livable and safe housing and shall demonstrate acceptable workmanship. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-2; filed Jun 13, 2005, 3:00 p.m.; 28 IR 3256, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-3 Section R202; definitions

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 3. Change SECTION R202 Definitions as follows: (a) Change the definition of ACCESSORY STRUCTURE to read as follows: In one and two family dwellings and for the purpose of APPENDIX E, structures not more than 3 stories high with separate means of egress, and the use of which is incidental to that of the main building and which is located on the same lot.

(b) Change the definition of ALTERATION by deleting "other than repair".

(c) Change APPROVED to read as follows: APPROVED means, as to materials, equipment, appliances, methods of design, and types of construction, acceptance by the building official by one (1) of the following methods:

- (1) investigation or tests conducted by recognized authorities;**
- (2) investigation or tests conducted by technical or scientific organizations; or**
- (3) accepted principles.**

The investigation, tests, or principles shall establish that the materials, equipment, appliances, methods of design, and types of construction are safe for their intended purpose.

(d) Change the definition of BUILDING, EXISTING to read as follows: BUILDING, EXISTING. Existing building

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is a building or structure erected prior to the adoption of this code.

(e) Change the definition of **BUILDING OFFICIAL** to read as follows: **BUILDING OFFICIAL**, as used in this code, shall be the local official or officials as designated in local ordinance, except it shall be the state building commissioner for Industrialized Building Systems under 675 IAC 15 and IC 22-15 and for plan review for townhouses under 675 IAC 12 and IC 22-15.

(f) Delete the definition of **CONSTRUCTION DOCUMENTS** and substitute to read as follows: **CONSTRUCTION DOCUMENTS**. For construction documents, see the General Administrative Rules (675 IAC 12) for Class 1 structures and local ordinance for Class 2 structures.

(g) Delete from the definition of **ESSENTIALLY NON-TOXIC TRANSFER FLUIDS** the following: “; and FDA-approved boiler water additions for steam boilers”.

(h) Change the definition of **EXISTING INSTALLATIONS** to read as follows: Any system regulated by this code that was legally installed prior to the effective date of this code.

(i) Add the definition of **FAMILY** after the definition of **FACTORY-BUILT CHIMNEY** to read as follows: **FAMILY** means an individual or 2 or more persons related by blood or marriage and/or a group of not more than 10 persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.

(j) Add, in the definition of **FOAM PLASTIC INSULATION**, “of” between the words “consisting” and “open”.

(k) Add the definition of **FOUNDATION WALL** after **FOAM PLASTIC INSULATION** to read as follows: **FOUNDATION WALL** means the supporting element(s) that extend from the top of the footing to the bottom of the sill plate.

(l) Delete, in the definition of **HEATING DEGREE DAY (HDD)**, “acceptable to the code” and substitute “approved by the building”.

(m) Add the following definitions after **INSULATING SHEATHING**:

INTERNATIONAL BUILDING CODE means the Indiana Building Code (675 IAC 13).

ICC ELECTRICAL CODE means the Indiana Electrical Code (675 IAC 17).

INTERNATIONAL FIRE CODE means the Indiana Fire Code (675 IAC 22).

INTERNATIONAL FUEL GAS CODE means the Indiana Fuel Gas Code (675 IAC 25).

INTERNATIONAL MECHANICAL CODE means the

Indiana Mechanical Code (675 IAC 18).

INTERNATIONAL PLUMBING CODE means the Indiana Plumbing Code (675 IAC 16).

(n) Delete the definition of **LABELED** and substitute to read as follows: **LABELED**. Equipment or materials to which has been attached a label, symbol, or other identifying mark of an organization engaged in product evaluation that maintains periodic inspection or production of labeled equipment or materials and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner.

(o) Delete the definition of **LISTED AND LISTING** and substitute to read as follows: **LISTED AND LISTING**. Equipment or materials included in a list published by an organization engaged in product evaluation that maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or material meets appropriate standards or has been tested and found suitable for use in a specified manner.

(p) Add the definition of **NATIONAL ELECTRICAL CODE** after **MULTIPLE STATION SMOKE ALARM** to read as follows: **NATIONAL ELECTRICAL CODE** means the Indiana Electrical Code (675 IAC 17).

(q) Add the definition of **NFPA 70** after **NATURAL DRAFT SYSTEM** to read as follows: **NFPA 70** means the Indiana Electrical Code (675 IAC 17).

(r) Delete the definition of **PERMIT**.

(s) Delete, in the definition of **PLUMBING**, “, repairs, maintenance”.

(t) Delete, in the definition of **PLUMBING APPURTENANCE**, “, maintenance, servicing, economy”.

(u) Delete the definition of **POTABLE WATER** and substitute to read as follows: **POTABLE WATER**. Water that at the point of use is acceptable for human consumption under drinking water standards adopted by the Water Pollution Control Board at 327 IAC 8.

(v) Delete the definition of **REGISTERED DESIGN PROFESSIONAL**.

(w) Add the definition of **RECESSED LIGHT** after **RECEPTOR** to read as follows: **RECESSED LIGHT** means a light fixture that by design penetrates the thermal boundary of the building.

(x) Delete the definition of **ROOF REPAIR**.

(y) Add the definition of **SLAB-ON-GRADE FLOOR INSULATION** after **SKYLIGHT AND SLOPED GLAZING** to read as follows: **SLAB-ON-GRADE FLOOR INSULA-**

TION means insulation around the perimeter of the floor slab or its supporting foundation.

(z) Add the definition of **SMOKE ALARM** after **SLOPE** to read as follows: **SMOKE ALARM** an alarm device that is responsive to smoke.

(aa) Add the definition of **TACTILE NOTIFICATION APPLIANCE** after **SWEEP** to read as follows: **TACTILE NOTIFICATION APPLIANCE** a notification appliance that alerts by sense of touch or vibration.

(bb) Add to the definition of **TOWNHOUSE**, between “units” and “in”, “separated by property lines”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-3; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3257, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-4 Section R301.2; climatic and geographic design criteria

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 4. Delete the last sentence of SECTION R301.2. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-4; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3259, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-5 Sections R301.2.1.1 and R301.2.1.2; design criteria, internal pressure

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 5. Delete SECTIONS R301.2.1.1 and R301.2.1.2. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-5; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3259, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-6 Table R301.2(1); climatic and geographical design criteria

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 6. Delete TABLE R301.2(1) and the corresponding footnotes and substitute to read as follows:

TABLE R301.2(1)

No.	County	Wind Speed ¹ (MPH)	Seismic Zone ²	Ground Snow (PSF)	Foundation ³	Winter Design Temp	Decay	Termite	Weathering ⁴	Ice Shield Under-layment Required	Air Freezing Index	Mean Annual Temp
01	Adams	90	B	20	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1303	50.9
02	Allen	90	B	20	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1490	49.9
03	Bartholomew	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	1083	53.1
04	Benton	90	B	20	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1350	49.1
05	Blackford	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1425	51.4
06	Boone	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1401	52.3
07	Brown	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	1080	53.1
08	Carroll	90	B	20	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1321	51.7
09	Cass	90	A	20	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1450	50.3
10	Clark	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	825	54.7
11	Clay	90	C	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	1175	52.1
12	Clinton	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1405	50.7
13	Crawford	90	C	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	750	54.7
14	Daviess	90	C ₁	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	743	56.1

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15	Dearborn	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	900	50.5
16	Decatur	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	1115	52.4
17	Dekalb	90	B	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1389	50.0
18	Delaware	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1400	50.8
19	Dubois	90	C	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	770	53.9
20	Elkhart	90	A	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1358	50.5
21	Fayette	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1369	51.5
22	Floyd	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	770	54.7
23	Fountain	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1525	51.2
24	Franklin	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	1174	51.8
25	Fulton	90	A	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1553	49.3
26	Gibson	90	C ₁	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	893	55.2
27	Grant	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1430	50.3
28	Greene	90	C	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	990	52.9
29	Hamilton	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1400	51.5
30	Hancock	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1356	51.6
31	Harrison	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	740	54.7
32	Hendricks	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1175	52.3
33	Henry	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1432	49.9
34	Howard	90	A	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1523	49.6
35	Huntington	90	B	20	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1270	50.4
36	Jackson	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	1048	52.5
37	Jasper	90	B	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1647	49.6
38	Jay	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1400	49.7
39	Jefferson	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	870	54.7
40	Jennings	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	789	54.3
41	Johnson	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1390	52.0
42	Knox	90	C ₁	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	1029	53.4
43	Kosciusko	90	A	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1450	49.0

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44	LaGrange	90	A	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1360	47.9
45	Lake	90	B	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1300	49.0
46	LaPorte	90	A	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1395	49.7
47	Lawrence	90	C	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	1115	52.6
48	Madison	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1420	50.8
49	Marion	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1215	51.8
50	Marshall	90	A	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1424	50.0
51	Martin	90	C	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	849	54.2
52	Miami	90	A	20	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1425	49.4
53	Monroe	90	C	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	1075	53.1
54	Montgomery	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1435	50.1
55	Morgan	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1200	51.5
56	Newton	90	B	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1399	50.2
57	Noble	90	A	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1375	49.0
58	Ohio	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	800	53.0
59	Orange	90	C	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	988	53.0
60	Owen	90	C	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	1224	50.1
61	Parke	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1109	53.9
62	Perry	90	C	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	731	55.8
63	Pike	90	C ₁	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	810	54.8
64	Porter	90	B	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1396	49.6
65	Posey	90	C ₁	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	867	55.4
66	Pulaski	90	A	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1480	49.7
67	Putnam	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1121	52.6
68	Randolph	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1398	49.9
69	Ripley	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	820	54.5
70	Rush	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1369	51.2
71	St. Joseph	90	A	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1379	49.1
72	Scott	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	941	53.9

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73	Shelby	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1393	52.6
74	Spencer	90	C ₁	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	710	56.2
75	Starke	90	A	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1425	49.7
76	Steuben	90	A	30	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1370	47.3
77	Sullivan	90	C ₁	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	1090	52.7
78	Switzerland	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	727	55.7
79	Tippecanoe	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1557	50.9
80	Tipton	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1420	49.2
81	Union	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1350	51.5
82	Vanderburgh	90	C ₁	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	581	57.0
83	Vermillion	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1100	50.8
84	Vigo	90	C	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	1198	53.1
85	Wabash	90	A	20	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1536	49.0
86	Warren	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1400	51.0
87	Warrick	90	C ₁	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	690	56.2
88	Washington	90	B	20	24	9°	Slight to Moderate	Moderate to Heavy	Severe	No	950	54.5
89	Wayne	90	B	20	30	2°	Slight to Moderate	Moderate to Heavy	Severe	No	1383	49.9
90	Wells	90	B	20	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1295	49.9
91	White	90	B	20	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1410	50.3
92	Whitley	90	A	20	36	1°	Slight to Moderate	Moderate to Heavy	Severe	Yes	1493	48.8

¹Wind exposure category shall be determined on a site-specific basis in accordance with SECTION R301.2.1.4.

²See SECTION R301.2.2.

³Foundation is minimum foundation depth to bottom of footing from the top of the finished grade above the footing in inches.

⁴The grade of masonry units shall be determined from ASTM C34, C55, C62, C73, C90, C129, C216, or C652.

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-6; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3259, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-7 Figures R301.2(1), R301.2(2), R301.2(3), R301.2(4), R301.2(5), R301.2(6), R301.2(7), and R301.2(8)

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 7. Delete Figures R301.2(1), R301.2(2), R301.2(3), R301.2(4), R301.2(5), R301.2(6), R301.2(7), and R301.2(8).

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-7; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3262, eff 90 days

after filing with the Secretary of State)

675 IAC 14-4.3-8 Table R301.2.1.2

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 8. Delete Table R301.2.1.2 and the corresponding footnotes. *(Fire Prevention and Building Safety Commission;*

675 IAC 14-4.3-8; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3262, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-9 Section R301.2.2; seismic provisions

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 9. Change SECTION R301.2.2 to read as follows: The seismic provisions of this code shall apply to buildings constructed in Seismic Design Categories C and C₁ as determined in accordance with this section.

EXCEPTIONS: 1. Detached one and two family dwellings located in Seismic Design Category C are exempt from the seismic requirements of this code.

2. Detached one and two family dwellings located in Seismic Design Category C₁ shall comply with the following sections: R301.2.2.1.1, R301.2.2.3, R403.1.3, R403.1.4, R404.1.1, R404.1.2, R404.1.5, R606.10, R607.1.2, R611, R703.7, R1003.3, R1003.4, M2005.5, and FIGURE R606.10(2).

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-9; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3263, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-10 Section R301.2.2.1; determination of seismic design category

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 10. Delete SECTION R301.2.2.1. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-10; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3263, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-11 Section R301.2.2.1.1; alternate determination of seismic design category

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 11. Change SECTION R301.2.2.1.1 as follows: (a) Change the first sentence to read as follows: The Seismic Design Categories and corresponding Short Period Design Spectral Response Accelerations, S_{DS}, are based on soil Site Class D, as defined in the Indiana Building Code, 675 IAC 13.

(b) Change the second sentence to read as follows: If soil conditions are other than Site Class D, the Short Period Design Spectral Response Acceleration, S_{DS}, for a site can be determined according to the Indiana Building Code, 675 IAC 13.

(c) Change the third sentence to read as follows: The value of S_{DS} determined according to the Indiana Building Code, 675 IAC 13, is permitted to be used to set the Seismic Design Category according to TABLE R301.2.2.1.1, and to interpolate between values in TABLES R602.10.3 and R603.7 and other seismic design requirements of this code. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-11; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3263, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-12 Section R301.2.2.1.2; alternative determination of seismic design category E

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 12. Delete SECTION R301.2.2.1.2. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-12; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3263, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-13 Section R301.2.2.2; seismic limitations

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 13. Delete SECTION R301.2.2.2. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-13; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3263, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-14 Section R301.2.2.2.2; irregular buildings

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 14. Delete SECTION R301.2.2.2.2. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-14; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3263, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-15 Section R301.2.2.3; Seismic Design Category C

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 15. Make the following changes to SECTION R301.2.2.3: (a) Add “and C₁” to the title.

(b) Add “and C₁” after “Category C” in the text. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-15; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3263, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-16 Section R301.2.4; flood plain construction

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 16. Delete SECTION R301.2.4 and substitute to read as follows: See local ordinance for flood plain construction. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-16; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3263, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-17 Section R301.5; live load

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

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Sec. 17. Add a subsection to SECTION R301.5 to read as follows: R301.5.1 Live Load Reduction.

1. Tributary floor area. A structural member which supports a tributary floor area of greater than 200 square feet on a given story is permitted to be designed using a reduced uniform floor live load for each qualifying story in accordance with the following formula:

$$L = L_0 \left[0.25 + \frac{10.6}{\sqrt{A_t}} \right] \geq 0.75 \text{ for } A_t > 200 \text{ ft}^2$$

Where: A_t is the tributary area of floor surface in square feet supported by the structural member and L_0 is the floor live load from TABLE R301.5.

2. Multiple stories. When floor, roof, and attic live loads from multiple story levels are applied to a structural member, the live loads may be factored as follows:

$$L = L_1 + 0.7(L_2 + L_3 + \dots)$$

Where: L_1 is the live load from TABLES R301.5 and R301.6 producing the maximum individual load effect, and L_2 , L_3 , and so forth are live loads from other sources or stories in accordance with TABLES R301.5 and R301.6 (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-17; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3263, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-18 Table R301.5; minimum uniformly distributed live loads

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 18. Delete TABLE R301.5 and the corresponding footnotes and substitute to read as follows:

TABLE R301.5

MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS

USE	LIVE LOAD (pounds per square foot)
Attics—nonaccessible ¹	0
Attics—accessible ²	10
Attics—uninhabitable ³	20
Attics—inhabitable ⁴	30 ⁵
Balconies—exterior	60
Decks	40
Rooms other than sleeping rooms	40
Fire escapes	40
Garages ^{6,8}	50
Guards and handrails ⁹	200
Sleeping rooms	30
Stairs	40/300 ⁷

¹Attics where attic access is not required by SECTION R807.

²Attics where attic access is provided as required by SECTION R807 and a disappearing stairway or a permanent stairway is not provided. This load shall be noncurrent with any other load.

³Attic spaces having a minimum clear height greater than 6 feet and are not capable of containing the prism described in footnote 4 and are served by a disappearing or a permanent stairway.

⁴Attic spaces that are capable of containing a rectangular prism 7 feet high by 6 feet wide by 8 feet long free of any structural member.

⁵For trusses, the 30 pounds per square foot live load shall be applied over the entire length of the truss panel that contains the prism required by footnote 4.

⁶Passenger cars only.

⁷Individual stair treads shall be designed for the uniformly distributed live load of 40 pounds per square foot or a 300 pound concentrated load acting over an area of 4 square inches, whichever produces the greater stress.

⁸Elevated garage floors shall be capable of supporting a 2,000 pound load applied over a 20 square inch area.

⁹A single concentrated load applied in any direction at any point along the top.

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-18; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3264, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-19 Section R302.1; exterior walls

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 19. Change SECTION R302.1 as follows: (a) Delete the last sentence of the first paragraph and the first exception without substitution.

(b) Delete the exception to the second paragraph and substitute to read as follows:

EXCEPTIONS: 1. Tool and storage sheds, playhouses, and similar structures are not required to provide wall protection based on location on the lot. Projections beyond the exterior of the structure shall not extend over the lot line.

2. Where structures are placed closer than 3 feet to the property lines, the one-hour fire-resistive rating shall not apply if a perpetual, platted, and recorded easement creates a nonbuildable separation of at least 6 feet between structures on adjacent properties.

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-19; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3264, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-20 Section R302.2; openings

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 20. Add Exception 3 to the end of SECTION R302.2 to read as follows: 3. Where structures are placed closer than 3 feet to the property line, the limitation on openings in exterior walls shall not apply if a perpetual, platted, and recorded easement creates a nonbuildable separation of at

least 6 feet between structures on adjacent properties. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-20; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3264, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-21 Section R303.1; habitable rooms
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 21. Delete the third sentence of SECTION R303.1. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-21; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3265, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-22 Section R303.4.2; exhaust openings
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 22. Delete SECTION R303.4.2. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-22; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3265, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-23 Section R303.6; stairway illumination
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 23. In the first paragraph, delete everything after the first sentence and substitute to read as follows: For interior stairs the artificial light source shall be capable of illuminating treads and landings to levels not less than 1 foot-candle (11 lux) measured at the center of treads and landings. Exterior stairways shall be provided with an artificial light source located so that the top landing of the stairway is illuminated. Exterior stairways providing access to a basement from the outside grade level shall be provided with an artificial light source located so that the bottom landing of the stairway is illuminated. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-23; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3265, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-24 Section R305.1; minimum height
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 24. Change Exception 4 to SECTION R305.1 to read as follows: Bathrooms shall have a minimum of 6 feet 8 inches (2,036 mm) at the center of the front clearance area for fixtures as shown in Figure R307.2. Ceiling height above fixtures shall be such that the fixture may be used for its intended purpose. A shower or tub equipped with a showerhead shall have a minimum ceiling height of 6 feet 8 inches (2,036 mm) above a minimum area 30 inches (762 mm) by 30 inches (762 mm) at the showerhead. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-24; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3265, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-25 Section R308.4; hazardous locations
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 25. Make the following change to SECTION R308.4: Change Exception 5 to read as follows: 5. Glazing in SECTION 308.4, Item 6, when a protective bar is installed on the accessible sides of the glazing 34 inches (864 mm) to 38 inches (965 mm) above the floor. The bar shall be capable of withstanding a horizontal load of 50 pounds (22.68 kg) per linear foot without contacting the glass and be a minimum of 1½ inches (38 mm) in height. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-25; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3265, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-26 Section R309; garages and carports
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 26. Change the title and text of SECTION R309 as follows: (a) Change the title of SECTION R309 to read as follows: **GARAGES, CARPORTS, OR ACCESSORY STRUCTURES.**

(b) Change the text of SECTION R309.2 to read as follows: The garage shall be separated from the residence and its attic area by a smoke separation of not less than ½ inch (13 mm) gypsum board applied to the garage side of the framing.

EXCEPTION: Pull down stairs may be installed in garage/attic separations when installed in a manner that resists the passage of smoke.

(c) Change the second paragraph of SECTIONS R309.3 and R309.4 to read as follows: The area of floor used for parking of automobiles or other vehicles shall be sloped to facilitate the movement of liquids to an approved drain or toward the main vehicle entry doorway.

(d) Delete the title and text of SECTION R309.5, Flood hazard areas, and substitute to read as follows: **R309.5 Detached garages, carports, or accessory structures. R309.5.1 Separation. Detached garages, carports, or accessory structures shall provide not less than 6 feet of open space between same and the residence, except that such space may be roofed in compliance with Chapters 8 and 9 of this code. Detached garages, carports, or accessory structures separated from the residence by less than 6 feet of open space shall be considered the same as attached and shall comply with this code. In no case shall garages, carports, or accessory structures be attached to the dwelling when the footings of the structure to be attached are above the frost line and the adjacent footings of the dwelling are at or below the frost line unless approved by the building official.**

R309.5.2 Requirements. Detached garages, detached carports, or accessory structures shall be constructed to

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applicable sections of this code unless otherwise noted in TABLE R309. Any habitable rooms(s) located within a detached garage, detached carport, or accessory structure shall meet all applicable sections of this code and shall be

provided with an exit door as specified in SECTION R311.1.

(e) Add TABLE R309 at the end of SECTION R309 to read as follows:

**TABLE R309
DETACHED GARAGES, DETACHED CARPORTS, OR ACCESSORY STRUCTURES**

CONSTRUCTION REQUIREMENTS	Portable 200 Square Feet Maximum	Monolithic ¹ Footings 721 Square Feet Maximum	Structures with Conventional Foundation
Footings and Foundations	No Requirements	8" W × 18" D ² or 12" W × 12" D ²	Indiana Residential Code
Floors	No Requirements	Indiana Residential Code	
Exterior Walls	No Requirements		
Girders and Headers	No Requirements		
Roof Systems	No Requirements		
Electrical Power Limits	One 20 Amp. Circuit		
Water Supply/Sanitation	Not Allowed	1	
Permanent Heat	Not Allowed	1	
Maximum Number of Stories	1	1 ³	3

NOTES:

¹In structures utilizing monolithic floor systems, the water and sanitation systems and permanent heating facilities may be installed when approved flexible connections are provided.

²6 × 6 - W2.9 × W2.9 welded wire fabric or equivalent is required when monolithic slab footing system is used.

³One story unless otherwise approved by the building official.

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-26; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3265, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-27 Section R310; emergency escape and rescue openings

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 27. Change SECTION R310 as follows: (a) Change the first sentence of SECTION R310.1 to read as follows: Every sleeping room shall have at least one openable emergency escape and rescue opening.

(b) Delete the second sentence of SECTION R310.1 without substitution.

(c) In SECTION R310.1.2, change "24 inches (610 mm)" to "22 inches (559 mm)".

(d) Add SECTION R310.1.5 to read as follows: **R310.1.5 Sleeping room replacement window alterations.** When replacing existing sleeping room windows, at least one of the replacement windows within that sleeping room shall comply with SECTION R310.5. Replacement windows that do not meet the current emergency escape requirements of SECTION R310, without structural alterations to the dwelling, may be installed as long as they meet the following requirements.

1. Replacement window installation shall not reduce the existing net clear opening by more than 6 inches horizontally and 6 inches vertically, except that awning replace-

ment windows shall not reduce the existing net clear opening by more than 3 inches vertically.

2. In no case shall the replacement window net clear opening height be less than 22 inches (559 mm) and the net clear opening width be less than 20 inches (508 mm).

3. Double hung or sliding replacement windows shall have both sashes removable without the use of a key or tool. Single hung installations are not allowed by this section.

4. Casement and awning replacement windows may obtain the required net clear opening with the use of egress hardware.

5. If the replacement window cannot meet the minimum requirements listed in subdivisions 1, 2, 3, and 4, the existing window shall be replaced with a like window without reducing the existing net clear opening.

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-27; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3266, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-28 Section R311.4.3; landings at doors

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 28. Make the following change to SECTION R311.4.3: In the exception to the second paragraph of SECTION R311.4.3, delete "7¾ inches (196 mm)" and substitute "8¼ inches (210 mm)". *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-28; filed Jun 13,*

2005, 3:00 p.m.: 28 IR 3266, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-29 Section R311.4.4; type of lock or latch

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 29. Delete “egress” between “all” and “doors” and delete “or special knowledge or effort” from SECTION R311.4.4. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-29; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3267, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-30 Section R311.5.3.1; riser height

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 30. In the first sentence of SECTION R311.5.3.1, delete “7¾ inches (196 mm)” and substitute “8¼ inches (210 mm)”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-30; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3267, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-31 Section R311.5.3.2; tread depth

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 31. In the first and fourth sentences of SECTION R311.5.3.2, delete “10 inches (254 mm)” and substitute “9 inches (229 mm)”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-31; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3267, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-32 Section R311.5.6.2; continuity

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 32. Change Exception 1 by adding the words “or by a landing” after “turn” and before the “.”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-32; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3267, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-33 Section R311.5.6.3; handrail grip size

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 33. Delete the text of SECTION 311.5.6.3 and substitute to read as follows: The handrail grip size portion of handrails shall have a circular cross section of 1¼ inches (32 mm) minimum to 2⅞ inches (80 mm) maximum. Other handrail shapes that provide an equivalent grasping surface are permissible. Edges shall have a minimum radius of ½ inch (3.2 mm). (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-33; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3267, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-34 Section R311.5.8.1; bulkhead enclosure stairways

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 34. Change, in SECTION R311.5.8.1, “egress” to “exit”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-34; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3267, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-35 Section R312.1; guards required

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 35. Change SECTION R312.1 as follows: (a) In the first sentence, add “, decks” between “balconies” and “or”.

(b) Add a sentence at the end of the section to read as follows: Guards that are installed on porches, balconies, decks, or raised floor surfaces that are 30 inches (762 mm) or less above the floor or grade are not required to comply with SECTION 312. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-35; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3267, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-36 Section R312.2; guard opening limitations

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 36. Add in the first sentence of SECTION R316.2 “, decks” between “balconies” and “and”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-36; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3267, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-37 Section R313; smoke alarms

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-11-18
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 37. Delete the text of SECTION R313 and substitute to read as follows: R313.1 Labeling. Each smoke alarm shall be listed:

R313.2 Required smoke alarm locations. At least one smoke alarm shall be installed in each of the following locations:

- (a) In the living area remote from the kitchen and cooking appliances. Smoke alarms located within 20 feet (6.1 m) horizontally of a cooking appliance must incorporate a temporary silencing feature or be photoelectric type.**
- (b) In each room designed for sleeping.**
- (c) On the ceiling of the upper level near the top or above each stairway, other than a basement stairway, in any multistory dwelling. The alarm shall be located so that smoke rising in the stairway cannot be prevented from reaching the alarm by an intervening door or obstruction.**
- (d) On the basement ceiling near the stairway.**

R313.2.1 Alterations and additions. When interior alter-

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ations or additions requiring a permit occur, or when one or more sleeping rooms are added or created in existing dwellings, the individual dwelling unit shall be provided with smoke alarms located as required for new dwellings; the smoke alarms shall be interconnected and hard wired.

EXCEPTIONS: 1. Smoke alarms in existing areas shall not be required to meet the requirements of R317.5 where the alterations do not result in the removal of the interior wall or ceiling finishes exposing the structure unless there is an attic, crawlspace, or basement available that could provide access for hard wiring and interconnection without the removal of interior finishes.

2. Repairs are exempt from the requirements of this section.

R313.3 Prohibited smoke alarm locations. A smoke alarm required under this section shall not be placed:

1. within 3 feet (914 mm) horizontally from any grille moving conditioned air within the living space; or
2. in any location or environment that is prohibited by the terms of the listing.

R313.4 Mounting requirements. Smoke alarms required by SECTION R313.2 shall be mounted in accordance with their listing, installation instructions, and the requirements of this section.

R313.4.1 Flat Ceilings. In rooms with flat, peaked sloping or single slope ceilings with a slope of less than 1.5/12, smoke alarms shall be mounted either:

1. on the ceiling at least 4 inches (102 mm) from each wall; or
2. on a wall with the top of the alarm not less than 4 inches (102 mm) below the ceiling and not farther from the ceiling than 12 inches (305 mm) or the distance from the ceiling specified in the smoke alarm manufacturer's listing and installation instructions, whichever is less.

R313.4.2 Peaked Sloping Ceilings. In rooms with peaked sloping ceilings with a slope of 1.5/12 or greater, smoke alarms shall be:

1. mounted on the ceiling or wall within 3 feet (914 mm) measured horizontally, from the peak of the ceiling;
2. at least 4 inches (102 mm), measured vertically, below the peak of the ceiling; and
3. at least 4 inches (102 mm) from any projecting structural element.

R313.4.3 Single Slope Ceilings. In rooms with single slope ceilings with a slope of 1.5/12 or greater, smoke alarms shall be:

1. mounted on the ceiling or wall within 3 feet (914 mm), measured horizontally, of the high point of the ceiling; and
2. not closer than 4 inches (102 mm) from any adjoining wall surfaces or any projecting structural element.

R313.4.4 Visible and tactile notification appliances. In

addition to the smoke alarms required pursuant to this section, listed visible and tactile notification appliances, when installed, shall meet the following:

R313.4.4.1 Candela Rating-Sleeping Room. A visible notification appliance, when installed in a room designed for sleeping, shall have a minimum rating of 177 candela, except that when the visible notification appliance is wall-mounted or suspended more than 24 inches (610 mm) below the ceiling, a minimum rating of 110 candela is permitted.

R313.4.4.2 Candela Rating-Nonsleeping Room. A visible notification appliance, when installed in an area other than a room designed for sleeping, shall have a minimum rating of 15 candela.

R313.5 Connection to Power Source. Each smoke alarm shall be powered from:

1. the electrical system of the home as the primary power source and a battery as a secondary power source; or
2. a battery rated for a 10 year life, provided the smoke alarm is listed for use with a 10 year battery.

EXCEPTION: Visible and tactile notification appliances are required to operate from the primary power source but are not required to operate from a secondary power source.

R313.5.1 Circuitry. Each smoke alarm whose primary power source is the home electrical system shall be mounted on an electrical outlet box and be connected by a permanent wiring method to a general branch circuit. The same branch circuit may serve more than one smoke alarm. The branch circuit for the alarm shall not include any switches between the branch circuit overcurrent protective device and the alarm and shall not be protected by a ground-fault circuit-interrupter.

R313.5.2 Interconnection. When more than one smoke alarm is required to be installed within an individual dwelling unit, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-37; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3267, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-38 Section R314.2.3; attics and crawlspaces

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 38. Delete SECTION R314.2.3 and substitute to read as follows: Within an attic or crawlspace, foam plastics shall be protected against ignition by 1½ inch thick mineral fiber insulation, or ¼ inch thick plywood, or ⅜ inch particleboard, or ¼ inch hardboard, or ⅜ inch gypsum

wallboard or corrosion-resistant steel having a base metal thickness of 0.016 inch or other approved material installed in such a manner that the foam plastic is not exposed.

EXCEPTION: Foam plastic insulation may be installed on the walls of attics and crawlspaces with no covering applied provided all the following conditions are met:

1. The maximum thickness/density is within the following:
 - a. Maximum 4 inch thickness with a maximum density of 4.0 pcf.
 - b. Up to 2 inch thickness with a maximum density of 2.5 pcf.
 - c. Up to 1 inch thickness with a maximum density of 2.0 pcf.
2. The maximum flame spread is 25.
3. The maximum smoke development rating is 450.
4. The entry to the attic or crawlspace is made only for service or maintenance (not used for storage).
5. There are not interconnected basement areas.
6. The air in the attic or crawlspace is not circulated to other parts of the building.
7. Where fuel-burning appliances other than direct vent appliances or exposed (not sealed) motors are located more than 10 feet away from the foam insulation in the attic or crawlspace.

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-38; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3268, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-39 Section R317.3.2; membrane penetrations

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 39. In SECTION R317.3.2, change Exceptions 1 and 2 by deleting “as follows:” and substituting “by any of the following:”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-39; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3269, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-40 Section R318.1; moisture control

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 40. Delete Exception 3 in SECTION R318.1 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-40; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3269, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-41 Section R319.1; location required

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 41. Add a sentence at the end of Item 2 of SECTION 319.1 to read as follows: **Minimum height of foundation walls above finish grade are as established in R404.1.6.** *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-41; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3269, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-42 Section R319.1.2; R319.1; location required

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 42. (a) Change Item 3 to read as follows: **Sills and sleepers on a concrete or masonry slab that is in direct contact with the ground unless separated from such slab by an impervious moisture barrier, or unless such slab is separated from the ground by a vapor retarder.**

(b) Add an exception to SECTION R319.1, Item 7, to read as follows: **EXCEPTION:** Exterior walls, below grade complying with SECTION R406. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-42; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3269, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-43 Section R319.1.2; geographical areas

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 43. Change SECTION R319.1.2 to read as follows: **Approved naturally durable or pressure preservatively treated wood shall be used for those portions of wood members that form the structural supports of buildings, balconies, decks, porches, or similar permanent building appurtenances when such members are exposed to the weather without adequate protection from a roof, eave, overhang, or other covering that would prevent moisture or water accumulation on the surface or at joints between members. Such members may include the following:**

1. Horizontal members, such as girders, joists, and decking.
2. Vertical members, such as posts, poles, and columns.
3. Both horizontal and vertical members.

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-43; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3269, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-44 Section R319.1.3; post, poles, and columns

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 44. Delete, from SECTION R319.1.3, “approved pressure preservatively treated wood” without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-44; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3269, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-45 Section R319.2; quality mark

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 45. Change, in SECTION R319.2, “approved by an accreditation body” to “accepted by an accreditation body”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-*

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4.3-45; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3269, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-46 Section R319.3; fasteners

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 46. Delete the text of SECTION R319.3 and substitute to read as follows: Fasteners for pressure preservative treated wood shall be of G185 hot-dipped galvanized steel, stainless steel, silicon bronze, copper, or the requirements of the chemical manufacturer of the chemicals used in the treated wood. Except for borate treated wood, aluminum fasteners, hardware, or flashing shall not be in direct contact with pressure preservative treated wood. Fasteners for fire-retardant wood shall be of hot-dipped galvanized steel, stainless steel, silicon bronze, copper, or the requirements of the chemical manufacturer of the chemicals used in the treated wood. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-46; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3270, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-47 Section R320.1; subterranean termite control

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 47. Delete “favorable to termite damage” and substitute “subject to very heavy termite damage”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-47; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3270, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-48 Section R320.4; foam plastic protection

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 48. Delete SECTION R320.4. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-48; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3270, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-49 Section R322; accessibility

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 49. Delete SECTION R322. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-49; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3270, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-50 Section 323; flood-resistant construction

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 50. Delete SECTION 323 FLOOD-RESISTANT CONSTRUCTION and substitute to read as follows: See

local ordinance. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-50; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3270, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-51 Section 401.1; application

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 51. Delete the exceptions in SECTION 401.1. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-51; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3270, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-52 Section R401.3; drainage

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 52. Delete the first sentence of SECTION R401.3. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-52; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3270, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-53 Section R402.1.2; wood treatment

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 53. Change, in the first sentence of SECTION R402.1.2, “accredited agency” to “approved agency”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-53; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3270, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-54 Section R403.1; general

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 54. Delete, in the first sentence of SECTION R403.1, “continuous”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-54; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3270, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-55 Section R403.1.1; minimum size

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 55. (a) In SECTION R403.1.1, delete the fifth sentence and substitute to read as follows: The minimum size of footings supporting piers and columns shall be in accordance with TABLE R403.2.

(b) Change TABLE R403.1 as follows:

(1) In the title add a reference to footnote “b” after the reference to footnote “a”.

(2) Add footnote “b” to read as follows: ^bA basement shall not be considered a story for the purpose of this table.

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-55; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3270, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-56 Section R403.1.2; continuous footings in seismic design categories D₁ and D₂

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 56. Delete SECTION R403.1.2. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-56; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3271, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-57 Section R403.1.3; seismic reinforcing

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 57. (a) Delete the title and text of SECTION R403.1.3 and substitute to read as follows: Footings in Seismic Design Category C₁. In Seismic Design Category C₁, as a minimum requirement, 2 #4 bars shall be placed longitudinally in the bottom of the exterior footings.

(b) Add a sentence at the end of SECTION R403.1.3 to read as follows: The required bars shall be placed in the bottom half of the footing, at least 6 inches (152.4 mm) apart and not less than 3 inches (76.2 mm) from the bottom and the sides of the footing. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-57; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3271, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-58 Section R403.1.3.1; foundations with stemwalls

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 58. Delete SECTION R403.1.3.1. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-58; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3271, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-59 Section R403.1.3.2; slabs-on-ground with turned-down footings

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 59. Delete SECTION R403.1.3.2. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-59; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3271, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-60 Section R403.1.4.2; seismic conditions

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 60. Change the text of SECTION R403.1.4.2 to read as follows: In Seismic Design Category C₁, interior footings cast monolithically with a slab on grade shall extend to a depth of not less than 8 inches below the top of the slab or to the undisturbed ground or engineered fill, whichever is

greater. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-60; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3271, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-61 Section R403.1.4.1; frost protection

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 61. Delete the text of Exception 1 to SECTION 403.1.4.1 and substitute to read as follows: Detached garages, detached carports, or accessory structures built to the requirements of Table 309. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-61; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3271, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-62 Section R403.1.6; foundation anchorage

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 62. Make the following changes to SECTION R403.1.6: (a) Change the fourth sentence of the second paragraph to read as follows: Bolts shall be at least ½ inch (13 mm) in diameter and shall extend a minimum 7 inches (178 mm) into the core, cell, or joint of the masonry unit and 7 inches (178 mm) into concrete.

(b) Change the fifth sentence to read as follows: Interior bearing wall sole plates on monolithic slab foundations shall be positively anchored with anchor bolts or approved fasteners in accordance with the manufacturer's instructions. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-62; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3271, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-63 Section R403.1.7.3; foundation elevation

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 63. Delete SECTION R403.1.7.3. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-63; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3271, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-64 Section R403.1.7.4; alternate setback and clearances

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 64. Delete the second sentence of SECTION R403.1.7.4. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-64; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3271, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-65 Section R403.1.8; foundations on expansive soils

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

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Sec. 65. Change SECTION R403.1.8 to read as follows: Foundation and floor slabs for buildings located on expansive soils shall be designed in accordance with the **Indiana Building Code (675 IAC 13)**. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-65; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3271, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-66 Table R403.2; size of footings supporting piers and columns

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 66. Add TABLE R403.2 to read as follows:

**TABLE R403.2
SIZE OF FOOTINGS SUPPORTING PIERS AND COLUMNS**

Spacing of Girder "S" ¹	Type of Loading ²			Column Size Required ³		Size of Plain Concrete Footing Required ³		
	A	B	C	Steel	Wood			
10'	5'-6"	-	-	3" Steel Pipe ⁴	4" × 4"	2' × 2' × 8" ^C		
15'	4'-0"	-	-					
20'	-	-	-					
10'	8'-6"	5'-0"	-					
15'	6'-0"	4'-0"	-					
20'	4'-6"	-	-					
10'	12'-0"	9'-0"	8'-0"		6" × 6"	4' × 4' × 16" ⁵		
15'	10'-0"	8'-0"	7'-0"					
20'	8'-0"	7'-0"	6'-0"					
10'	16'-0"	12'-6"	11'-0"				8" × 8"	4'3" × 4'3" × 17" ⁵
15'	13'-6"	10'-6"	10'-0"					
20'	12'-0"	9'-6"	8'-0"					
10'	20'-0"	16'-0"	13'-6"					
15'	17'-0"	13'-6"	11'-6"					
20'	15'-0"	12'-0"	10'-0"					

¹The spacing "S" is the tributary load in the girder. It is found by adding the unsupported spans of the floor joists on each side that are supported by the girder and dividing by 2.

²Figures under type of loading columns are the allowable girder span.

Type A loading is for a girder supporting 1 floor and a roof.

Type B loading is for a girder supporting 2 floors and a roof.

Type C loading is for a girder supporting 3 floors and a roof.

³Required size of column is based on girder support from 2 sides. Size of footing is based on allowable soil pressure of 2,000 pounds per square foot.

⁴Schedule 40.

⁵Footing thickness is based on the use of plain concrete with an ultimate compressive strength of not less than 2,000 pounds per square inch at 28 days. If approved, the footing thickness may be reduced based on an engineered design utilizing higher strength concrete and/or reinforcement.

(*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-66; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3272, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-67 Section R403.3.4; termite damage

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 67. Delete SECTION R403.3.4. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-67; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3272, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-68 Section R404.1; concrete and masonry foundation walls

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 68. Delete the last sentence of SECTION R404.1. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-68; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3272, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-69 Section R404.1.1; masonry foundation walls

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 69. Delete SECTION R404.1.1 and substitute to read as follows: Concrete masonry and clay foundation walls shall be constructed as set forth in TABLES R404.1.1(1), R404.1.1(2), R404.1.1(3), and R404.1.1(4) and shall comply with the provisions of this section and the applicable provisions of SECTIONS R606.1 through R606.10, R607, R608, R609, and R610. Rubble masonry foundation walls shall be constructed in accordance with SECTIONS R404.1.8 and R606.2.2.

EXCEPTION: In Seismic Design Category C₁, TABLE R404.1.1(1) may be used only when the unbalanced fill is 4 feet (1,219 mm) or less. Rubble stone masonry walls shall not be used in Seismic Design Category C₁.
(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-69; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3272, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-70 Section R404.1.2; concrete foundation walls

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 70. Delete SECTION R404.1.2 and substitute to read as follows: Concrete foundation walls shall be constructed as set forth in TABLES R404.1.1(1), R404.1.1(2), R404.1.1(3), and R404.1.1(4) and shall also comply with the provisions of this section and the applicable provisions of SECTION R402.2. In Seismic Design Category C₁, TABLE R404.1.1(1) may be used only when the height of the unbalanced fill is 4 feet (1,219 mm) or less. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-70; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3273, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-71 Section R404.1.5; foundation wall thickness based on walls supported

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 71. Delete the text of SECTION R404.1.5 and substitute to read: The thickness of concrete and masonry walls shall not be less than the thickness of the wall supported.

EXCEPTION: A foundation wall of at least 8 inches (203 mm) thickness shall be permitted:

1. Under brick veneered frame walls.
2. Under 10 inch (254 mm) wide cavity walls where the total height of the walls supported, including gables, is not more than 20 feet (6,096 mm) provided the requirements of SECTIONS R404.1.1 and R404.1.2 are met.

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-71; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3273, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-72 Section R404.1.5.1; pier and curtain wall foundations

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 72. Change, in Item 5 of SECTION R404.1.5.1, “accepted” to “approved”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-72; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3273, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-73 Section R404.1.6; height above finished grade

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 73. Delete the text of SECTION R404.1.6 and substitute to read as follows: Concrete and masonry foundation walls shall extend above the finished grade adjacent to the foundation at all points a minimum of 6 inches (152 mm). *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-73; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3273, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-74 Section R404.2.1; identification

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 74. Delete the second and third sentences of SECTION R404.2.1. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-74; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3273, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-75 Section R404.4; insulating concrete form foundation walls

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 75. Delete the last sentence of SECTION R404.4. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-75; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3273, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-76 Section R404.4.7.2; termite hazards

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 76. Delete SECTION R404.4.7.2. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-76; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3273, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-77 Section R405.2.3; drainage system

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 77. Change SECTION R405.2.3 to read as follows: In other than Group I soils, a sump pit shall be provided to drain the porous layer and footings. The sump pit shall be a minimum of 18 inches (457 mm) in diameter or equivalent and a minimum of 24 inches (610 mm) below the bottom of the basement floor. Where a porous layer of gravel, crushed stone, or coarse sand is used between the soil and the concrete floor slab, openings shall be made in the sump pit

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to allow drainage of that layer. The sump pit shall be capable of positive gravity or mechanical drainage to remove any accumulated water.

EXCEPTION: When a gravity drain system is used a sump pit is not required.

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-77; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3273, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-78 Section R407.3; structural requirement

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 78. In the first sentence of SECTION R407.3, add “top and” after “the” and before “bottom”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-78; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3274, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-79 Section R408.2; openings for under-floor ventilation

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 79. Make the following changes to SECTION R408.2:
(a) Change Exception 1 to read as follows: Ventilation openings to the outdoors are not required if ventilation openings to the interior are provided.

(b) Amend Exception 5 as follows: delete “Section N1102.1.7” and substitute “Chapter 11 of this code”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-79; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3274, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-80 Section R408.3; access

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 80. Change SECTION R408.3 to read as follows: An access opening 24 inches by 18 inches (610 mm by 457 mm) shall be provided to the underfloor space. When the underfloor space access opening is through a wall, the opening shall be a minimum of 24 inches (609 mm) wide by 16 inches (406 mm) high with an areaway provided for access to the underfloor opening. The areaway shall be not less than 24 inches (609 mm) long parallel to the wall at the access opening by 16 inches (406 mm) wide perpendicular to the wall at the center of the access opening. The bottom of the areaway shall be below the threshold of the access opening. The underfloor access opening shall not be under a door. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-80; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3274, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-81 Section R408.6; flood resistance

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 81. Delete the title and text of SECTION R408.6 and substitute to read as follows: Underfloor drainage. In other than Group I soils, underfloor spaces shall be drained to prevent water accumulation by one of the following methods:

1. The underfloor space shall be graded at a slope of not less than 1 inch (25 mm) for each 10 feet (3,048 mm) to a gravity discharge or a sump pit having a minimum size of 18 inches (457 mm) in diameter by 24 inches (610 mm) deep installed below the lowest point of the slope so that, in the event of excess water accumulation, a sump pump can be readily installed.

2. The underfloor space shall be graded at a slope of not less than ½ inch (13 mm) for each 10 feet (3,048 mm) to a gravity discharge or a sump pit having a minimum size of 18 inches (457 mm) in diameter by 24 inches (610 mm) deep installed below the lowest point of the slope and not less than 3 inches (76 mm) of granular material shall be placed between the ground surface and the vapor retarder so that, in the event of excess water accumulation, a sump pump can be readily installed.

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-81; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3274, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-82 Section R502.1; identification

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 82. Delete the last sentence of SECTION R502.1. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-82; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3274, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-83 Section R502.2.1; decks

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 83. Change SECTION R502.2.1 as follows: **(a)** Change the second sentence to read “Such attachment shall be made with bolts or lag screws, according to Table R502.2.1.”.

(b) In the third sentence, delete “verified during construction” and substitute “achieved”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-83; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3274, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-84 Table R502.2.1; MAXIMUM SPACING OF FASTENERS FOR LEDGERS SUPPORTING DECKS

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 84. Add TABLE R502.2.1 as follows:

TABLE R502.2.1
SPACING OF FASTENERS FOR LEDGERS
SUPPORTING DECKS

MAXIMUM FASTENER SPACING IN INCHES^{a, c, f, g}

JOIST SPAN	6'	8'	10'	12'	14'	16'	18'
Lag Screws ^{b, d, e}	30	23	18	15	13	11	10
Bolts ^{b, e}	36	36	34	29	24	21	19

^aBolts or lag screws shall be a minimum of 1/2 inch in diameter.

^bAssumes connection directly to 1 1/2 inch thick solid wood or 1 1/8 inch thick composite wood band joist or through maximum 1/2 inch thick wood sheathing to band joist.

^cFlash ledger in accordance with SECTION R703.8(5).

^dLag screws shall fully penetrate the band joist and be staggered to prevent splitting.

^eWashers shall be installed under lag screw heads, bolt heads, and nuts. Carriage bolts shall have a washer under the nut.

^fLedgers shall be anchored to the band joist with a minimum of two fasteners per ledger section with one fastener located not more than 12 inches (30.5 cm) or less than seven bolt diameters from the end of each ledger section.

^gWith a minimum 1 1/8 inch (28.6 mm) composite wood band joist, bolts shall be used; lag screws shall not be used.

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-84; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3274, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-85 Figure R502.2; floor construction

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 85. Add a note to the joist between the fireplace and the center girder to read as follows: **TAIL JOIST - SEE SECTION R502.10.** (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-85; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3275, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-86 Table R502.3.3(2); cantilever spans for floor joists supporting exterior balcony

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 86. (a) Add a reference to footnotes "g" and "h" in the title of TABLE R502.3.3(2).

(b) Add footnote "g" to read as follows: ^gIn addition to snow loads shown, the table includes 60 psf of live load.

(c) Add footnote "h" to read as follows: ^hUse of the table shall be permitted for the construction of interior balconies not supporting roof loads. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-86; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3275, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-87 Section R502.8.1; sawn lumber

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 87. Add an exception to SECTION R502.8.1 to read as follows: **EXCEPTION:** In 2 x 8 and larger solid lumber joists, holes up to 50 percent of the actual joist depth may be drilled at the center of the joist depth in the second and fifth sixths of the joist span. When the joist spans 90 percent or less of its maximum allowed span per TABLE R502.3.1(1) or R502.3.1(2), such holes may also be located in the center third of the joist span. Such hole shall be no closer than 6 inches (152 mm) from any other hole. Except for end notches, no notches may be in the same half of the span as a hole allowed by this exception. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-87; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3275, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-88 Figure R502.8; cutting, notching, and drilling

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 88. Delete FIGURE R502.8 and substitute as follows: **FIGURE R502.8:**

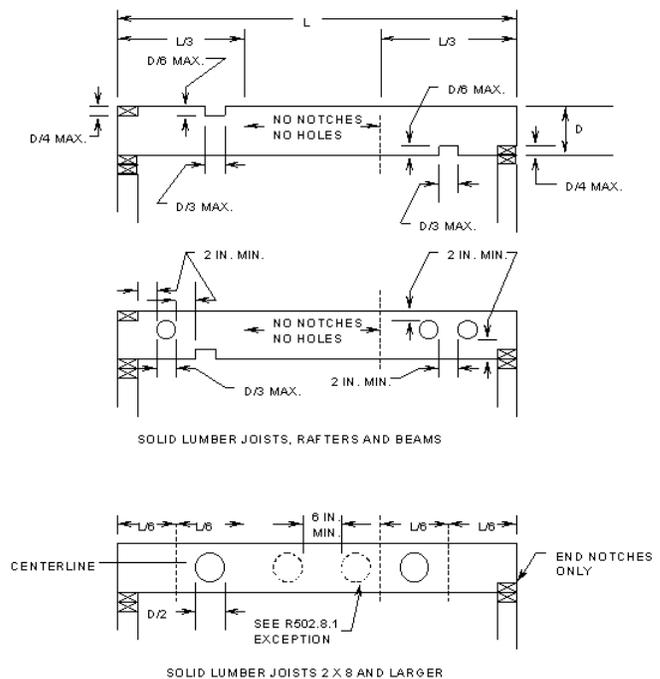


FIGURE R502.8
CUTTING, NOTCHING AND DRILLING
(Fire Prevention and Building Safety Commission; 675 IAC 14-

4.3-88; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3275, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-89 Section R502.11.1; design

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 89. Delete the last sentence of SECTION R502.11.1. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-89; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3276, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-90 Section R502.11.3; alterations to trusses

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 25-4; IC 25-31; IC 36-7

Sec. 90. Change the first sentence of SECTION R502.11.3 to read as follows: Truss members and components shall not be cut, notched, spliced, or otherwise altered in any way without the acceptance of the change by an architect registered under IC 25-4 or a professional engineer registered under IC 25-31. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-90; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3276, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-91 Section R502.11.4; truss design drawings

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 91. Delete SECTION R502.11.4 and substitute to read as follows: Truss design drawings shall be provided to the building official as required by the General Administrative Rules (675 IAC 12) for Class 1 structures or by local ordinance for Class 2 structures. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-91; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3276, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-92 Section R602.1; identification

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 92. Delete the last sentence of SECTION R602.1. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-92; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3276, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-93 Section R602.3; design and construction

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 93. In the third sentence of SECTION R602.3, delete “foam plastic sheathing” and substitute “nonstructural sheathing”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-93; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3276,

eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-94 Figure R602.3(1); typical wall, floor, and roof framing

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 94. Change the note in FIGURE R602.3(1) stating “FOR BLOCKING AND BRIDGING - SEE SECTION R502.5” to read “FOR BLOCKING AND BRIDGING-SEE SECTION R502.7”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-94; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3276, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-95 Figure R602.6(2); notching and bored hole limitations for interior nonbearing walls

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 95. Delete FIGURE R602.6(2) and insert FIGURE R602.6(2) to read as follows:

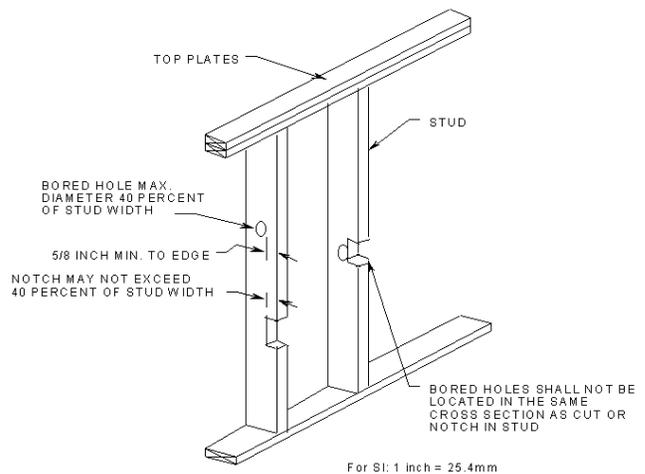


FIGURE R602.6(2)
NOTCHING AND BORED HOLE LIMITATIONS FOR INTERIOR NONBEARING WALLS

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-95; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3276, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-96 Section R602.7; headers

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 96. Amend SECTION R602.7, Headers, by adding a section to read as follows: SECTION R602.7.3, Location. Headers less than 2 inches (51 mm) in width that span more than 8 feet (2,438 mm) or headers less than 4 inches (102 mm) in width that span more than 16 feet (4,877 mm) shall be located at the top of the wall immediately below the top plate.

EXCEPTION: When a minimum of 3/8 inch (10 mm)

structural wood sheathing is applied from the bottom of the header to the top of the wall and all joints on structural members are fastened in accordance with TABLE R602.3(1) or TABLE R602.3(2).

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-96; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3276, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-97 Section R602.10.1; braced wall lines
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 97. Add a new paragraph after the first paragraph to SECTION R602.10.1 to read as follows: In an interior braced wall line out-of-plane offsets of up to 12 feet shall be permitted provided that the total out-to-out offset dimension in the braced wall line is not more than 12 feet. When the 4 foot offset or 8 foot out-to-out is exceeded in the braced wall line, the amount of bracing shall be increased by 50 percent. This increase shall be in addition to any other required increase. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-97; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3277, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-98 Section R602.10.1.1; spacing
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 98. Change 2 in the exception to SECTION R602.10.1.1 to read as follows: The length-to-width ratio for the floor or roof diaphragm does not exceed 3:1. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-98; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3277, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-99 Table R602.10.1; wall bracing
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 99. Change footnote (a) in TABLE R602.10.1 by deleting "Section 1615 of the International Building Code" and substituting "the Indiana Building Code (675 IAC 13)". (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-99; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3277, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-100 Section R602.10.5; continuous structural panel sheathing
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 100. Make the following changes to SECTION 602.10.5: (a) In the first sentence, delete "and interior braced wall lines, where required,".

(b) Add an exception to read as follows: **EXCEPTION:** Vertical wall segments in the first of one or first of two story buildings next to garage openings shall be permitted to have

6:1 height-to-width ratio (with height being measured from top of header to sill plate) when constructed in accordance with the following provisions. Each panel shall have a length of not less than 16 inches (406 mm) and a height of not more than 10 feet (3,048 mm). Each panel shall be sheathed on one face with a single layer of 3/8 inch-minimum thickness (9.5 mm) wood structural panel sheathing nailed with 8d common or galvanized box nails in accordance with Figure R602.10.5(2). The wood structural panel sheathing shall extend up over the solid swan or glued-laminated header and shall be nailed in accordance with Figure R602.10.5(2). The header shall extend between the inside faces of the first full-length outer studs of each panel. The clear span of the header between the inner studs of each panel shall be not less than 6 feet (1,829 mm) and not more than 18 feet (5,486 mm) in length. A strap with an uplift capacity of not less than 1,000 pounds (454 kg) shall fasten the header to the side of the inner studs opposite the sheathing. Two anchor bolts shall be installed in accordance with Section 403.1.6, and plate washers shall be a minimum of 2 inches by 2 inches by 3/16 inch (51 mm by 51 mm by 4.8 mm) thick and shall be used on each bolt. This exception is only permitted in Seismic Design Categories A-C.

(c) Add FIGURE R602.10.5(2) to read as follows:

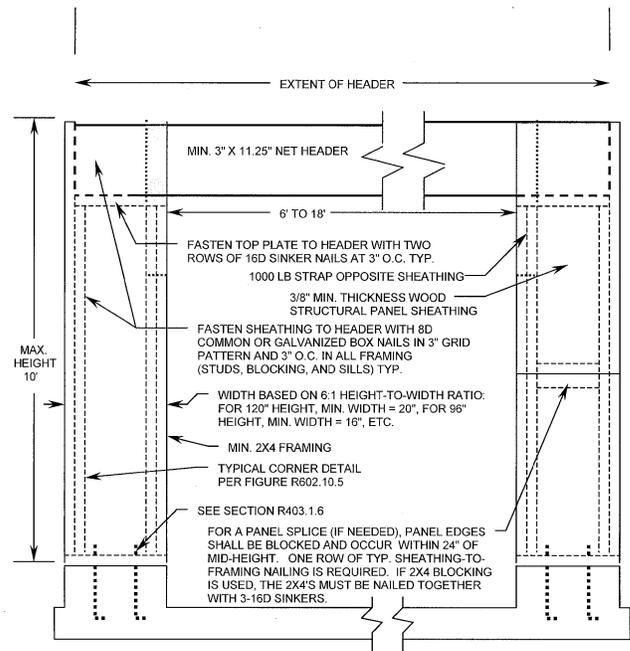


FIGURE R602.10.5(2)
GARAGE DOOR BRACED WALL PANEL FOR USE WITH CONTINUOUSLY SHEATHED WALLS

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-100; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3277, eff 90 days after filing with the Secretary of State)

Final Rules

675 IAC 14-4.3-101 Table R602.10.11; adjustment of bracing amounts for interior braced wall lines according to braced wall line spacing

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 101. Change TABLE R602.10.11 by deleting “Table R602.10.3” in the second column and substituting “Table R602.10.1”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-101; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3278, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-102 Section R604.1; identification and grade

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 102. In the last sentence of SECTION R604.1, delete “or certificate of inspection issued by an approved agency”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-102; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3278, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-103 Section R604.3; installation

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 103. Delete the last sentence of SECTION R604.3 without substitution. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-103; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3278, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-104 Section R605.1; identification and grade

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 104. Delete, from the first sentence of SECTION R605.1, “or certificate of inspection issued by an approved agency”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-104; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3278, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-105 Section R606.1.1; professional registration not required

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 105. Delete SECTION R606.1.1. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-105; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3278, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-106 Section R606.2; thickness of masonry

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 106. Add a second sentence to SECTION R606.2 to read as follows: **The nominal thickness of foundation walls shall conform to the requirements of SECTION R404.** (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-106; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3278, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-107 Section R606.2.1; minimum thickness

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 107. Delete the last sentence of SECTION R606.2.1 and substitute to read as follows: **The minimum thickness of masonry foundation walls shall comply with SECTION R404. Masonry walls, except masonry foundation walls, shall be laterally supported in either the horizontal or vertical direction at intervals as required by SECTION R606.8.** (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-107; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3278, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-108 Section R606.10; anchorage

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15

Sec. 108. Add an exception to SECTION R606.10 to read as follows: **EXCEPTION: Masonry foundation walls in Seismic Design Category C₁ are exempt from the requirements of Figure R606.10(3) and shall comply with the requirements of SECTION R404.** (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-108; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3278, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-109 Section R606.11; seismic requirements

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 109. Make the following changes to SECTION R606.11: (a) Add, at the end of the first sentence, “C₁” between “C” and “D₁”.

(b) Add an exception to read as follows: **EXCEPTION: Masonry foundation walls in Seismic Design Category C and C₁ are exempt from the requirements of Figure R606.10(3) and shall comply with SECTION R404.** (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-109; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3278, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-110 Section R606.11.2; Seismic Design Category C

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 110. Make the following changes to SECTION

R606.11.2: (a) Change the title and text of SECTION R606.11.2 to read as follows: **Seismic Design Category C and C₁. Structures located in Seismic Design Category C and C₁ shall comply with the requirements of this section.**

(b) Add an exception to read as follows: **EXCEPTION: Masonry foundation walls in Seismic Design Category C and C₁ are exempt from the requirements of Figure R606.10(3) and shall comply with SECTION R404.** *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-110; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3278, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-111 Figure R606.10(2); requirements for reinforced grouted masonry construction in Seismic Design Category C

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 111. Add, to the end of the title to FIGURE R606.10(2), “and C₁”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-111; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3279, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-112 Section R607.1.2; masonry in seismic design categories A, B, C, and C₁

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 112. Change SECTION R607.1.2 to read as follows: **R607.1.2 Masonry in Seismic Design Categories A, B, C, and C₁. Mortar for masonry serving as the lateral-force-resisting system in Seismic Design Categories A, B, C, and C₁ shall be Type M, S, or N mortar.** *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-112; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3279, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-113 Section R609.1.5; cleanouts

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 113. Change SECTION R609.1.5 to read as follows: **Cleanouts shall be provided as specified in this section. The cleanouts shall be sealed before grouting.** *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-113; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3279, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-114 Section R609.4.1; construction

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 114. Delete, in SECTION R609.4.1, Item 4, the following: “and special inspection during grouting shall be required”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-114; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3279, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-115 Section R611.1; general

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 115. Delete the last sentence of SECTION R611.1 and substitute to read as follows: “**In Seismic Design Category C₁, for a townhouse having one or more insulating concrete form exterior walls, the noninsulating concrete form walls and interior bearing walls shall comply with the provisions of SECTION R611.**” *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-115; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3279, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-116 Table R703.4; weather-resistant siding attachment and minimum thickness

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 116. Change TABLE R703.4 as follows: (a) Change footnote m to read as follows: For masonry veneer, a weather-resistant sheathing paper is not required over water-repellent sheathing materials applied according to manufacturer’s instructions and a ¼ inch (19 mm) air space is provided. When the ¼ inch (19 mm) space is filled with mortar, a weather-resistant sheathing paper is required over the sheathing.

(b) In the column titled “Sheathing paper required”, add a footnote designation “s” at all three (3) places for Horizontal Aluminum and for Vinyl Siding.

(c) Add a new footnote “s” to read as follows: **Unless required by the siding manufacturer’s installation instructions.** *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-116; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3279, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-117 Section R703.7; stone and masonry veneer, general

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 117. Change Exception 2 in SECTION R703.7 by adding “and C₁” after “C” and before the “;”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-117; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3279, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-118 Figure R703.7; masonry veneer wall details

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 118. Change FIGURE R703.7 by changing “1 inch” to “¾ inch” in two (2) places. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-118; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3280, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-119 Section R703.7.4.2; air space

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 119. Delete the text of SECTION R703.7.4.2 and substitute to read as follows: The masonry veneer shall be separated from the sheathing by an air space of not less than ¾ inch (19 mm) but not more than 4½ inches (114 mm) The weather-resistant sheathing paper as required by SECTION R703.2 is not required over water-repellent sheathing materials installed according to manufacturer’s instructions. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-119; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3280, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-120 Section R703.7.4.3; mortar or grout filled

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 120. Amend SECTION R703.7.4.3 by deleting “1 inch (25.4 mm)” and inserting “¾ inch (19 mm)”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-120; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3280, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-121 Section R703.7.6; weepholes

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 121. Delete the title and text of SECTION R703.7.6 and substitute as follows: R703.7.6 Drained cavity. The ¾ inch (19 mm) air cavity shall be drained to the exterior of the structure at intervals of not more than 33 inches (838 mm) on center. Each drain shall be not less than 3/16 inch (4.8 mm) in diameter, located immediately above the flashing. For dwellings with crawl spaces, the air cavity may be drained as shown in FIGURE R703.7.6(1). For dwellings with basements, the air cavity may be drained as shown in FIGURE R703.7.6(2).

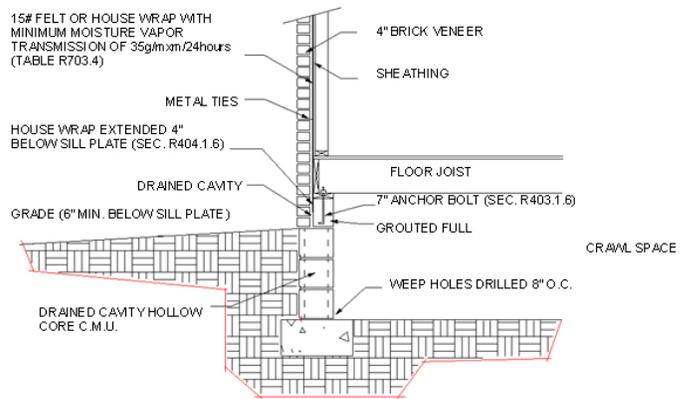


FIGURE R703.7.6(1)

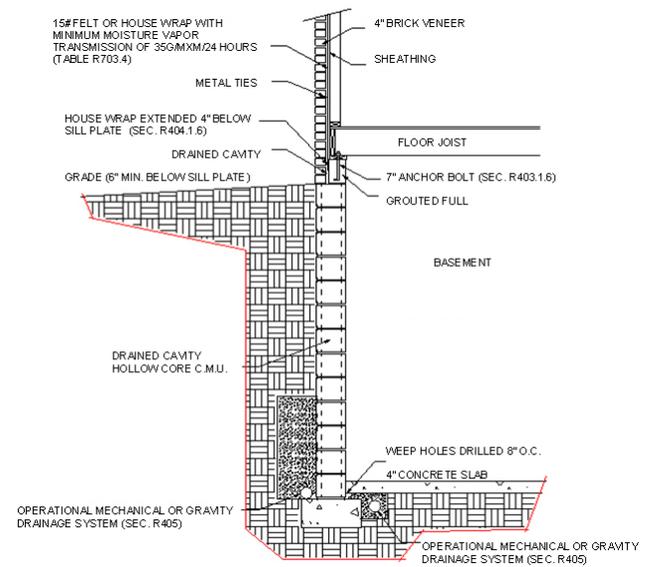


FIGURE R703.7.6(2)

(*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-121; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3280, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-122 Section R703.8; flashing

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 122. In SECTION 703.8, delete Item 1 and substitute to read as follows: 1. Corrosion-resistive flashing shall be provided at the sill, jambs, and top of all windows and door openings, applied shingle fashion in such a manner as to be leakproof. Tops of trim over these openings will also be head flashed in a manner as to direct water over the exterior wall cladding and not behind such trim. This head flashing may be omitted when protected by a soffit, porch, or similar overhang. Windows, indicated by the manufacturer as self-flashing, having a continuous lap of not less than 1½ inches (28 mm) over the sheathing material or building paper around the entire perimeter of the opening, including corners, do not require additional flashing. (*Fire Prevention*

and Building Safety Commission; 675 IAC 14-4.3-122; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3280, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-123 Section R802.1; identification and grade

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 123. Delete the last sentence of SECTION R802.1. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-123; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3281, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-124 Section R802.10.1; truss design drawings

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 124. Delete SECTION R802.10.1 and substitute to read as follows: Truss design drawings shall be provided to the building official as required by the General Administrative Rules (675 IAC 12) for Class 1 structures or by local ordinance for Class 2 structures. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-124; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3281, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-125 Section R802.10.2; design

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 125. Delete the last sentence of SECTION R802.10.2. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-125; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3281, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-126 Section R802.10.4; alterations to trusses

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 25-4; IC 25-31; IC 36-7

Sec. 126. Change the first sentence of SECTION R802.10.4 to read as follows: Truss members shall not be cut, notched, drilled, spliced, or otherwise altered in any way without the acceptance of an architect registered under IC 25-4 or a professional engineer registered under IC 25-31, the manufacturer of the truss members, or approved by the building official. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-126; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3281, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-127 Section R802.10.5; truss to wall connection

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 127. Change SECTION R802.10.5 as follows: (a) Delete “approved connector” and substitute “mechanical fasteners or connectors”.

(b) Add an exception to read as follows: EXCEPTION: When the uplift shown on the truss drawing is less than 175 pounds the uplift on the drawing may be used. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-127; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3281, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-128 Section R803.2.1; identification and grade

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 128. Delete, from the first sentence of SECTION R803.2.1, “or certificate of inspection issued by an approved agency”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-128; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3281, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-129 Section R806.1; ventilation required

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 129. Add an exception to Section R806.1 to read as follows: EXCEPTION: Mechanical ventilation is permitted provided the following conditions are met:

1. The installation complies with manufacturer’s instructions.
2. A humidistat is included with the installation.
3. An ammeter or equivalent device is installed in a readily visible location.

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-129; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3281, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-130 Section R808.1; combustible insulation

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 130. In SECTION R808.1, delete “Section N1102.1.11” and substitute “Chapter 11 of this code”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-130; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3281, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-131 Section R903.4.1; overflow drains and scuppers

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 131. Delete the last paragraph of SECTION R903.4.1. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-131; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3281, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-132 Section R904.3; material specifications and physical characteristics

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 132. Delete the last sentence of SECTION R904.3. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-132; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3282, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-133 Section R905.5.3; underlayment

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 133. In the first sentence of SECTION R905.5.3 delete the phrase “is 25°F (-4°C) or less” and insert “is less than 25°F(-4°C)”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-133; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3282, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-134 Section R907.3; recovering versus replacement

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

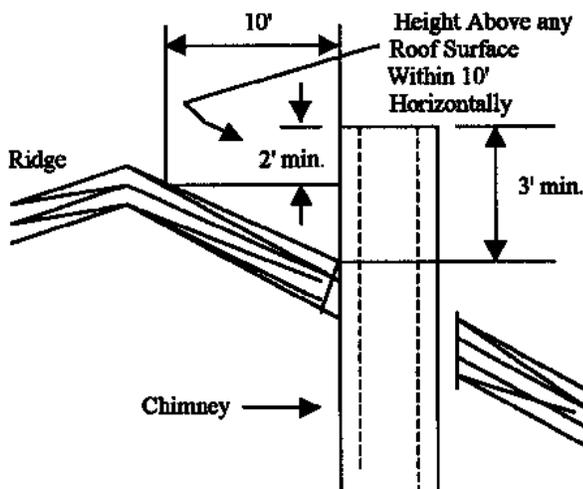
Sec. 134. Change, in SECTION R907.3, Item 3, “two” to “three”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-134; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3282, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-135 Figure R1001.6; termination

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 135. Add FIGURE R1001.6 as follows:

**FIGURE R1001.6
 Chimney Termination**



(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-135; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3282, eff 90 days

after filing with the Secretary of State)

675 IAC 14-4.3-136 Section R1003.3; seismic reinforcing

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 136. Change the first sentence of SECTION R1003.3 to read as follows: **Masonry or concrete chimneys in Seismic Design Category C₁ shall be reinforced.** (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-136; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3282, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-137 Section R1003.4; seismic anchorage

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 137. Change SECTION R1003.4 by deleting **D₁** and **D₂** and substituting **C₁**. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-137; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3282, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-138 Section R1005.1; exterior air

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 138. Delete, in SECTION R1005.1, “unless the room is mechanically ventilated and controlled so that the indoor pressure is neutral or positive.”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-138; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3282, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-139 Chapter 11; energy efficiency

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 139. Delete the text of Chapter 11 in its entirety and substitute the following: SECTION N1101; GENERAL N1101.1 Scope. This chapter sets forth energy-efficiency requirements for the design and construction of buildings regulated by this code.

EXCEPTION: Provided that they are separated by building envelope assemblies from the remainder of the building, portions of the building that do not enclose conditioned space shall be from the building envelope provisions but shall comply with the provisions for building mechanical and service water systems.

N1101.2 Compliance. Compliance with this chapter shall be demonstrated by meeting the requirements of the applicable sections and tables of SECTIONS N1101, N1102, N1104, and N1105 of this chapter. Compliance with SECTION N1103 or N1106 is an alternative to compliance with SECTION N1102. Where applicable, provisions are based on the climate zone where the building is located as set forth in

FIGURE 11-1 below.



FIGURE 11-1

N1101.2.1 Eligible buildings. Compliance for detached one and two family dwellings and for townhouses shall be demonstrated by meeting the requirements of subsection N1101.2.

N1101.3 Materials and equipment. Materials and equipment shall be identified as complying with the provisions of this chapter. Materials and equipment shall be listed and labeled for their intended use and shall be installed in accordance with the manufacturer’s installation instructions.

N1101.3.1 Insulation. The thermal resistance (R-value) shall be indicated on all insulation and the insulation installed such that the R-value can be verified during inspection, or evidence of compliance of the installed R-value shall be provided at the job site by the insulation installer.

N1101.3.2 Fenestration. The U-factor of fenestration shall be determined in accordance with NFRC 100 by an accredited, independent laboratory and labeled and certified by the manufacturer. The solar heat gain coefficient (SHGC) of fenestration shall be determined in accordance with NFRC 200 by an accredited, independent laboratory and labeled and certified by the manufacturer.

N1101.3.2.1 Default fenestration performance. When a manufacturer has not determined a fenestration product’s U-factor in accordance with NFRC 100, compliance shall be determined by assigning such products a default U-factor from TABLES 11-1 and 11-2. When a manufacturer has not determined a fenestration product’s SHGC in accordance with NFRC 200, compliance shall be determined by assigning such products a default SHGC from TABLE 11-3.

TABLE 11-1
U-FACTOR DEFAULT TABLE FOR WINDOWS, GLAZED DOORS, AND SKYLIGHTS

FRAME MATERIAL AND PRODUCT TYPE ^a		SINGLE GLAZED	DOUBLE GLAZED
Metal without thermal break			
	Operable (including sliding and swinging glass doors)	1.27	0.87
	Fixed	1.13	0.69
	Garden window	2.60	1.81
	Curtain wall	1.22	0.79
	Skylight	1.98	1.31
	Site-assembled sloped/overhead glazing	1.36	0.82
Metal with thermal break			
	Operable (including sliding and swinging glass doors)	1.08	0.65
	Fixed	1.07	0.63
	Curtain wall	1.11	0.68
	Skylight	1.89	1.11
	Site-assembled sloped/overhead glazing	1.25	0.70
Reinforced vinyl/metal clad wood			
	Operable (including sliding and swinging glass doors)	0.90	0.57
	Fixed	0.98	0.56
	Skylight	1.75	1.05

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Wood/vinyl/fiberglass			
	Operable (including sliding and swinging glass doors)	0.89	0.55
	Fixed	0.98	0.56
	Garden window	2.31	1.61
	Skylight	1.47	0.84

**TABLE 11-2
U-FACTOR DEFAULT TABLE FOR NONGLAZED DOORS**

DOOR TYPE Steel doors (1.75 inches thick)	WITH FOAM CORE 0.35 WITHOUT STORM DOOR	WITHOUT FOAM CORE 0.60 WITH STORM DOOR
Wood doors (1.75 inches thick)		
Panel with 0.438 inch panels	0.54	0.36
Hollow core flush	0.46	0.32
Panel with 1.125 inch panels	0.39	0.28
Solid core flush	0.40	0.26

For SI: 1 inch = 25.4 mm.

**TABLE 11-3
SHGC DEFAULT TABLE FOR FENESTRATION**

PRODUCT DESCRIPTION	SINGLE GLAZED				DOUBLE GLAZED			
	Clear	Bronze	Green	Gray	Clear + Clear	Bronze + Clear	Green + Clear	Gray + Clear
Metal frames								
Operable	0.75	0.64	0.62	0.61	0.66	0.55	0.53	0.52
Fixed	0.78	0.67	0.65	0.64	0.68	0.57	0.55	0.54
Nonmetal frames								
Operable	0.63	0.54	0.53	0.52	0.55	0.46	0.45	0.44
Fixed	0.75	0.64	0.62	0.61	0.66	0.54	0.53	0.52

N1101.3.2.2 Air leakage. The air leakage of prefabricated fenestration shall be determined by the manufacturer. Alternatively, the fenestration shall be installed in accor-

dance with the maximum allowable rates in TABLE 11-4. **EXCEPTION:** Site-constructed windows and doors sealed in accordance with SECTION N1102.1.10.

**TABLE 11-4
ALLOWABLE AIR FILTRATION RATES^a**

WINDOWS (cfm per square foot of window area)	DOORS (cfm per square foot of door area)	
	Sliders	Swinging
0.3 ^b	0.3	0.5

For SI: 1 cfm/ft² = 0.00508 m³/ (s × m²).

^aWhen tested in accordance with NFRC 400.

^bSee AAMA/WDMA 101/I.S. 2.

N1101.3.3 MINIMUM INSULATION R-VALUES. The minimum insulation R-values permitted using tradeoffs from SECTION N1103 or SECTION N1106 for all climate regions shall be R-13 for abovegrade walls, R-30 for ceilings, and R-19 for floors.

N1101.4 Alternate energy materials, methods, and design. The provisions of this code are not intended to prevent the use of any material, method of construction, design, or insulating system not specifically prescribed herein, provided that such construction, design, or insulating system

has been approved as meeting the intent of the code.

Compliance with specific provisions and the intent of this code shall be determined through the use of approved computer software (such as REScheck or MECcheck provided by the Department of Energy), worksheets, compliance manuals (from ASTM, etc.), and other similar materials.

SECTION N1102 COMPLIANCE BY PRESCRIPTIVE SPECIFICATIONS ON INDIVIDUAL COMPONENTS

N1102.1 Thermal performance criteria. The minimum required insulation R-value or maximum required U-factor for each element in the building thermal envelope (fenestra-

tion, roof/ceiling, opaque wall, floor, slab edge, crawlspace wall, and basement wall) shall be in accordance with criteria in TABLE 11-5.

**TABLE 11-5
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENTS^a
78% AFUE or 6.8 HSPF and 10 SEER**

REGION See Figure 11-1	GLAZING U-VALUE	SKYLIGHT U-VALUE ^b	CEILING R-VALUE	WALL R- VALUE ^{cc}	FLOOR R-VALUE ^d	BASEMENT WALL R-VALUE ^e	SLAB PERIME- TER R-VALUE/DEPTH ^f	CRAWLSPACE WALL R-VALUE ^e
North	.35	0.60	30	15 plus 1	25	13 / 7 ft.	10 / 4 ft.	7 / 3.2 ft.
Central	.45	0.60	30	13 plus 1	25	10 / 7 ft.	10 / 4 ft.	10 / 2.7 ft.
South	.45	0.60	30	13 plus 1	19	7 / 7 ft.	7 / 3 ft.	7 / 2.7 ft.
Ohio River	.45	0.60	30	13	19	7 / 4 ft.	3.5 / 2 ft.	3 / 2.2 ft.

^aR-values are minimums. U-factors and SHGC are maximums. R-19 insulation shall be permitted to be compressed except as noted. The glazing U-factors are for windows only. The default U-factors for doors are in TABLES 11-1 and 11-2. The maximum door U-values to be allowed with this table are as follows: main exit, 0.54; other exit doors, 0.34; sliding glass doors, French doors, and atrium doors, 0.55.

^bSkylights are glazed fenestration less than 60 degrees from horizontal.

^cCavity insulation plus sheathing (wood frame walls only). Steel frame walls require the installation of an exterior insulated sheathing in accordance with SECTION N1102.1.12.

^dOr insulation sufficient to fill the cavity, R-19 minimum.

^eBox or rim joist cavity spaces must be insulated R-22 minimum, entire exterior perimeter.

^fThe insulation shall be installed from the top of the slab to the required depth, horizontally or vertically, or a combination of both, until the required depth is achieved.

N1102.1.1 Exterior walls. The minimum required R-value in TABLES 11-5 shall be met by the sum of the R-values of the insulation materials installed in framing cavities and/or sheathing applied and not by framing, drywall, or exterior siding materials. Insulation separated from the conditioned space by a vented space shall not be counted towards the required R-value.

walls with interior insulation position are those that have the mass material located exterior to the insulating material.

N1102.1.1.1 Mass walls. For purposes of this section, the following definitions apply: Mass walls with exterior insulation position are those that have the entire effective mass layer interior to an insulation layer. Mass walls with integral insulation position are those that have either insulation and mass materials well mixed as in wood (logs) or substantially equal amounts of mass material on the interior and exterior of insulation as in concrete masonry units with insulated cores or masonry cavity walls. Mass

Mass walls shall be permitted to meet the mass wall criteria in TABLE 11-6 based on the insulation position and the climate zone where the building is located. Other mass walls shall meet the frame wall criteria for the building type and the climate zone where the building is located based on the sum of interior and exterior insulation.

Mass walls not meeting either of the above descriptions for exterior or integral positions shall meet the requirements for other mass walls in TABLE 11-6. The R-value for a solid concrete wall with a thickness of 4 inches (102 mm) or greater is R-1.1. R-values for other assemblies are permitted to be based on hot box tests.

**TABLE 11-6
MASS WALL PRESCRIPTIVE BUILDING ENVELOPE REQUIREMENTS**

Building Location		Mass Wall Assembly R-Value (hr ft ² F)/Btu	
Zone	HDD	Exterior or Integral Insulation	Other Mass Walls
Northern	6,300	R-13	R-15.2
Central	5,700	R-13	R-15.2
South	5,000	R-8	R-15.2
Ohio River	4,300	R-8	R-15.2

For SI: 1(hr ft²F)/Btu = 0.176 m² K/W

N1102.1.1.2. Steel-frame walls. When steel framing construction is used, insulated sheathing with an R-5 value shall

be installed in addition to the minimum required R-value for frame walls determined in accordance with TABLE 11-5.

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N1102.1.2 Ceilings. The required “Ceiling R-value” in TABLE 11-5 assumes standard truss or rafter construction and shall apply to all roof/ceiling portions of the building thermal envelope including cathedral ceilings. R-30 shall be permitted to be compressed over the top plate to obtain the required rafter air spaces. R-30 shall be permitted to be used over the top plate where R-38 is required. R-38 shall be permitted over the top plate where R-49 is required.

N1102.1.3 Opaque doors. Opaque doors separating conditioned and unconditioned space shall have a maximum U-factor of 0.35. One opaque door shall be permitted to be exempt from this U-factor requirement.

N1102.1.4 Floors. The required R-value in TABLE 11-5 shall apply to all floors, except any individual floor assembly with over 25 percent of its conditioned floor area exposed directly to outside air shall meet the R-value requirement in TABLE 11-5 for ceilings.

N1102.1.5 Basement walls. When insulating basement walls, the required R-values shall be applied from the top of the basement wall to the depth required by TABLE 11-5.

N1102.1.6 Slab-on-grade floors. For slabs with a top edge 8 inches (203 mm) or less above or 12 inches (305 mm) or less below finished grade, the required R-value in TABLE 11-5 shall be applied to the outside of the foundation or the inside of the foundation wall. The insulation shall extend downward from the top of the slab, or downward to the bottom of the slab and then horizontally in either direction, for the minimum distance listed in TABLE 11-5.

When installed between the exterior wall and the edge of the interior slab, the top edge of the insulation shall be permitted to be cut at a 45 degree (0.79 radians) angle away from the exterior wall. Insulation extending horizontally away from the building shall be protected as set forth by SECTION R403.3.1.

R-2 shall be added to the values in TABLE 11-5 where uninsulated hot water pipes, air distribution ducts, or electric heating cables are installed within or under the slab.

N1102.1.7 Crawlspace walls. Where the floor above the crawlspace is uninsulated, and the crawlspace is not vented to outside air, insulation shall be installed on crawlspace walls as required in TABLE 11-5. The insulation shall be applied inside of the crawlspace wall, downward from the sill plate to the distance required by TABLE 11-5. The exposed earth in all crawlspace foundations shall be covered with a continuous 6 mil vapor retarder having a maximum permeance rating of 1.0 perm (5.74525×10^{-11} kg/(Pa \times s \times m²)).

N1102.1.8 Masonry veneer. For exterior foundation insulation, that horizontal portion of the foundation that supports

a masonry veneer shall not be required to be insulated.

N1102.1.9 Protection. Exposed insulating materials applied to the exterior of foundation walls shall be protected from damage or deterioration. The protection shall extend at least 6 inches (152 mm) below finished grade level.

N1102.1.10 Air leakage. Exterior joints, seams, or penetrations in the building envelope that are sources of air leakage shall be sealed with caulking materials, closed with gasketing systems, taped, or covered with moisture vapor-permeable house-wrap. Sealing materials spanning joints between dissimilar construction materials shall allow for differential expansion and contraction of the construction materials. This includes sealing around tubs and showers, at the attic and crawlspace panels, at recessed lights, and around all plumbing and electrical penetrations. These are openings located in the building envelope between conditioned space and unconditioned space or between the conditioned space and the outside.

EXCEPTION: Vertical seams and joints with gaps of 1/8 inch (3 mm) or less that break over a stud.

N1102.1.11 Recessed lighting fixtures. When installed in the building envelope, recessed lighting fixtures shall meet one of the following:

1. Type IC rated, manufactured with no penetrations between the inside of the recessed fixture and ceiling cavity and sealed or gasketed to prevent air leakage into the unconditioned space.
2. Type IC or non-IC rated, installed inside a sealed box constructed from a minimum 0.5 inch (12.7 mm) thick gypsum wallboard or constructed from a preformed polymeric vapor barrier, or other airtight assembly manufactured for this purpose, while maintaining required clearances of not less than 0.5 inch (12.7 mm) from combustible material and not less than 3 inches (76 mm) from insulation material.
3. Type IC rated admitting no more than 2.0 cubic feet per minute (cfm) (0.944L/s) of air movement from the conditioned space to the ceiling cavity. The lighting fixture shall be tested at 1.57 psi (75 Pa) pressure difference and shall be labeled.

N1102.2 Fenestration exemption. Up to 1 percent of the total glazing area shall be exempt from U-factor requirements.

SECTION N1103 COMPLIANCE BY TOTAL BUILDING ENVELOPE PERFORMANCE

N1103.1 Compliance with this section is an alternative to compliance with SECTION N1102.

N1103.2 Compliance by total building envelope performance. The building envelope design of a proposed building shall be permitted to deviate from the U_o-factors, U-factors, or R-values specified in TABLE 11-7, provided the total

thermal transmission heat gain or loss for the proposed building envelope does not exceed the total heat gain or loss resulting from the proposed building's conformance to the values specified in TABLE 11-7. For basement and crawlspace walls that are part of the building envelope, the U-

factor of the proposed foundation shall be adjusted by the R-value of the adjacent soil where the corresponding U-factor in TABLE 11-7 is similarly adjusted. Heat gain or loss calculations for slab edge and basement or crawlspace wall foundations shall be determined using approved methods.

TABLE 11-7^{a, b, c}
EQUIVALENT U-FACTORS

REGION	GLAZING	SKYLIGHT	CEILING	WALL	MASS WALL	FLOOR	BASEMENT	SLAB PERIMETER	CRAWLSPACE
North	0.35	0.60	0.035	0.064	0.077	0.037	0.055	0.684	0.076
Central	0.45	0.60	0.035	0.074	0.077	0.042	0.064	0.684	0.100
South	0.45	0.60	0.035	0.074	0.125	0.045	0.078	0.727	0.109
Ohio River	0.45	0.60	0.035	0.077	0.125	0.047	0.093	0.825	0.196

^aNonfenestration U-factors shall be obtained from this table, measurement, calculation, or an approved source.

^bFor 78 percent AFUE furnaces or 6.8 HSPF and 10 SEER except where otherwise noted.

^cThe maximum door U-values to be allowed with this table are as follows: main exit, 0.54; other exit doors, 0.34; sliding glass doors, French doors, and atrium doors, 0.55.

SECTION N1104 MECHANICAL SYSTEMS

N1104.1 Heating and air conditioning appliance and equipment performance. Performance of equipment listed in TABLE 11-8 is covered by preemptive federal law. Appliances and equipment not listed in TABLE 11-8 shall

be approved. Data furnished by the equipment supplier, or certified under a nationally recognized certification procedure, shall be used to satisfy these requirements. All such equipment shall be installed in accordance with the manufacturer's instructions.

TABLE 11-8
MINIMUM EQUIPMENT PERFORMANCE

EQUIPMENT CATEGORY	SUBCATEGORY ^c	REFERENCED STANDARD	MINIMUM PERFORMANCE
Air-cooled heat pumps heating mode < 65,000 Btu/h cooling capacity	Split systems	ARI 210/240	6.8 HSPF ^{a, b}
	Single package		6.6 HSPF ^{a, b}
Gas-fired or oil-fired furnace < 225,000 Btu/h		DOE 10 CFR Part 430, Subpart B, APPENDIX N	AFUE 78% ^b Et 80% ^c
Gas-fired or oil-fired steam and hot water boilers < 300,000 Btu/h		DOE 10 CFR Part 430, Subpart B, APPENDIX N	AFUE 78% ^{b, d}
Air-cooled air conditioners and heat pumps cooling mode < 65,000 Btu/h cooling capacity	Split systems	ARI 210/240	10.0 SEER ^b
	Single package		9.7 SEER ^b

For SI: 1 Btu/h = 0.2931 W.

^aFor multicapacity equipment, the minimum performance shall apply to each capacity step provided. Multicapacity refers to manufacturer-published ratings for more than one capacity mode allowed by the product's controls.

^bThis is used to be consistent with the National Appliance Energy Conservation Act (NAECA) of 1987 (Public Law 100-12).

^cThese requirements apply to combination units not covered by NAECA (three-phase power or cooling capacity 65,000 Btu/h).

^dExcept for gas-fired steam boilers, for which the minimum AFUE shall be 75 percent.

^eSeasonal rating.

N1104.2 Controls. At least one thermostat shall be provided for each separate heating, cooling, or combination heating and cooling system. Heat pumps shall have controls that prevent supplementary electric resistance heater operation when the heating load can be met by the heat pump alone.

Supplementary heater operation shall be permitted during outdoor coil defrost cycles not exceeding 15 minutes.

N1104.3 Duct insulation. All portions of the air distribution system that serve the permanent heating, ventilating, and air

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conditioning systems shall be installed in accordance with SECTION M1601 and be insulated to an installed R-4.2 when system components are located within the building but outside of conditioned space and R-8 when located outside of the building. When located within a building envelope assembly, at least R-8 shall be applied between the duct and that portion of the assembly furthest from conditioned space.

EXCEPTION: Exhaust air ducts and portions of the air distribution system within appliances or equipment.

N1104.4 Duct sealing. All ducts shall be sealed in accordance with SECTION M1601.3.1.

N1104.5 Piping insulation. All mechanical system piping that serves the permanent heating, ventilating, and air conditioning systems shall be insulated in accordance with TABLE 11-9.

EXCEPTION: Piping installed within appliances and equipment or piping serving fluids between 55°F (13°C) and 120°F (49°C).

**TABLE 11-9
MINIMUM HVAC PIPING INSULATION THICKNESSES^a**

	FLUID TEMPERATURE RANGE (°F)	INSULATION THICKNESS (inches) ^b
HEATING SYSTEMS		
Low pressure/temperature	201–250	1.5
Low temperature	120–200	1.0
Steam condensate (for feed water)	Any	1.5
COOLING SYSTEMS		
Chilled water, refrigerant, or brine	40–55	0.75
	Below 40	1.25

For SI: 1 inch = 25.4 mm, °C = (°F - 32)/1.8.

^aThe pipe insulation thicknesses specified in this table are based on insulation R-values ranging from R-4 to R-4.6 per inch of thickness. For materials with an R-value greater than R-4.6, the insulation thickness specified in this table may be reduced as follows:

$$\text{New Minimum Thickness} = \frac{4.6 \times \text{Table Thickness}}{\text{Actual R-value}}$$

^bFor piping exposed to outdoor air, increase thickness by 0.5 inch.

For materials with an R-value less than R-4, the minimum insulation thickness shall be increased as follows:

$$\text{New Minimum Thickness} = \frac{4.0 \times \text{Table Thickness}}{\text{Actual R-value}}$$

SECTION N1105 SERVICE WATER HEATING

N1105.1 Water heating appliance and equipment performance. Performance of equipment listed in TABLE 11-10 is covered by preemptive federal law. Appliances and equipment not listed in TABLE 11-10 shall be approved.

**TABLE 11-10
REQUIRED PERFORMANCE OF DOMESTIC HOT WATER HEATING EQUIPMENT SUBJECT TO MINIMUM FEDERAL STANDARDS**

CATEGORY	MAXIMUM INPUT RATING	MINIMUM EFFICIENCY
Electric; storage or instantaneous	12 kW	0.93 - 0.00132 × V ^a
Gas; storage	75,000 Btu/h	0.62 - 0.0019 × V ^a
Gas; instantaneous	200,000 Btu/h	0.62 - 0.0019 × V ^a
Oil; storage	105,000 Btu/h	0.59 - 0.0019 × V ^a
Oil; instantaneous	210,000 Btu/h	0.59 - 0.0019 × V ^a

For SI: 1Btu/h = 0.2931 W, 1 gallon = 3.785 L.

^aV is the rated storage volume in gallons as specified by the manufacturer.

N1106 ALTERNATE DESIGN

Code 2000, except as amended in subsection N1106.2, is an alternative to compliance with SECTIONS N1102 AND N1103.

N1106.1 Chapter 4, Residential Building Design by Systems Analysis and Design of Buildings Utilizing Renewable Energy Sources, of the International Energy Conservation

N1106.2 (a) Change subsection 402.1 to read as follows:

Compliance with this chapter will require an analysis of the annual energy usage, completed during the building design phase, and hereinafter called the “annual energy analysis”.

(b) Delete the exception from subsection 402.1 without substitution.

(c) Delete “Chapter 5” from subsection 402.1.1 and substitute “TABLE 11-5, TABLE 11-7, or TABLE 11-11”. Delete all exceptions in subsection 402.1.1.

(d) Delete TABLES 402.1.1(1) and 402.1.1(2) including their footnotes.

(e) In subsection 402.1.3.1.4, delete “Table 102.5.2(3)” and substitute “TABLE 11-3”.

(f) In subsection 402.1.3.6, delete “Type A-1 Residential building” and substitute “1 or 2 family dwelling” and delete “Type A-2 Residential building” and substitute “townhouse”.

(g) Add the following to the last sentence of subsection 402.1.3.10: “See subsection R303.1 for ventilation requirements for one and two family dwellings or townhouses.”.

(h) In subsection 402.1.3.11, delete “Table 502.2” and substitute “TABLE 11-5”.

(i) In subsection 402.4.1, delete “as required in Chapter 3” and substitute “as follows:” and the following table:

TABLE 11-11

THERMAL DESIGN PARAMETERS EXTERNAL
DESIGN CONDITIONS

	Northern	Central	South	Ohio River
WINTER Design Dry-Bulb °F	1°	2°	9°	9°
SUMMER Design Wet-Bulb °F	73°	74°	75°	75°
SUMMER Design Dry-Bulb °F	89°	90°	93°	93°
DEGREE DAYS HEATING	6,300	5,700	5,000	4,300

(j) In subsection 402.5, delete “Chapter 4” and substitute “this chapter”.

(k) In subsection 403.1.1.1, delete “Section 502.1.4.1” and substitute “TABLE 11-4”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-139; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3282, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-140 Section M1201.1; scope
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 140. Change SECTION M1201.1 to read as follows: The provisions of Chapters 1, 2, and 12 through 24 shall regulate the design, installation, and alteration of any part of the permanent heating, ventilating, and air conditioning for a Class 1 structure-townhouse or a Class 2 structure-1 or 2 family dwelling. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-140; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3289, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-141 Section M1201.2; application
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 141. Delete SECTION M1201.2. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-141; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3289, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-142 Section M1202; existing mechanical systems
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 142. Delete SECTION M1202 and substitute to read as follows: For existing installations see Chapter 1 and the General Administrative Rules (675 IAC 12). (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-142; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3289, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-143 Section M1303.1; label information
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 143. Change, in SECTION M1303.1, Item 4, “approval” to “acceptance”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-143; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3289, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-144 Section M1307.3.1; protection from impact
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 144. Delete SECTION M1307.3.1. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-144; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3289, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-145 Section M1411.3.1; auxiliary and secondary drain systems
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 145. (a) In the first sentence of SECTION M1411.3.1 delete “damage to any building components will occur as a result of overflow from the equipment drain pan or stoppage

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in the condensate drain piping” and insert “installed over a finished ceiling”.

(b) Add an exception to the end of SECTION M1411.3.1 to read as follows: **EXCEPTION:** When installed on a water-resistant floor with a floor drain in the same room or space. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-145; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3289, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-146 Section M1501.3; length limitation
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 146. Change, in the first sentence of SECTION M1501.3, “25 feet (7,620 mm)” to read “35 feet”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-146; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3290, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-147 Section M2001.1; installation
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13-2-9; IC 22-14; IC 22-15; IC 36-7

Sec. 147. Add SECTION M2001.1.2 to the end of SECTION M2001 to read as follows: **Boilers and water heaters regulated by the Boiler and Pressure Vessel Rules Board (680 IAC 2) under IC 22-13-2-9 are not regulated by this code.** *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-147; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3290, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-148 Section M2005.5; anchorage of water heaters in Seismic Design Category C₁
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 148. Add SECTION M2005.5 to the end of SECTION M2005 to read as follows: **M2005.5 Anchorage of Water Heaters in Seismic Design Category C₁.** In Seismic Design Category C₁, all gas water heaters shall be anchored or fastened to resist horizontal displacement due to earthquake motion as provided in SECTION M1307.2.

EXCEPTION: Where approved excessive flow valves are implemented for the entire dwelling unit or for each gas appliance. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-148; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3290, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-149 Section M2201.3; underground tanks
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 149. Delete SECTION M2201.3 and substitute to read as follows: **Excavations for underground tanks shall not**

undermine the foundations of existing structures.

Underground tanks shall be set on firm foundations and surrounded with at least 6 inches (152.4 mm) of noncorrosive inert material, such as clean sand or gravel well-tamped in place or in accordance with the manufacturer’s installation instructions. Tanks shall be covered with a minimum of 2 feet (609.6 mm) of earth or shall be covered by not less than 1 foot (304.8 mm) of earth, on top of which shall be placed a slab of reinforced concrete not less than 4 inches (101.6 mm) thick.

When underground tanks are, or are likely to be, subjected to traffic, they shall be protected against damage from vehicles passing over them by at least 3 feet (914.4 mm) of earth cover, or 18 inches (457.2 mm) of well-tamped earth plus 6 inches (152.4 mm) of reinforced concrete, or 8 inches (203.2 mm) of asphaltic concrete. When asphaltic or reinforced concrete paving is used as part of the protection, it shall extend at least 1 foot (304.8 mm) horizontally beyond the outline of the tank in all directions.

The clearance from the tank to the nearest wall of a basement, pit, or property line shall not be less than 1 foot (305 mm).

Corrosion protection shall be provided in accordance with SECTION M2203.7. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-149; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3290, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-150 Section M2301.1; general
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 150. Change SECTION M2301.1 to read as follows: **This section provides for the construction, installation, and alteration of equipment and systems utilizing solar energy to provide space heating or cooling and hot water heating.** *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-150; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3290, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-151 Section G2401.1; application
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 151. Delete, in the second sentence of the second paragraph of SECTION G2401.1, “, inspection, operation, and maintenance” and add “and” before “testing” and delete the comma after “installation”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-151; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3290, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-152 Section G2403; general definitions
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13-2-9; IC 22-14; IC 22-15; IC 36-7

Sec. 152. Change SECTION G2403 as follows: (a) Change the title to read as follows: SECTION G2403(202) GENERAL DEFINITIONS FOR THE PURPOSE OF CHAPTER 24 ONLY.

(b) Add to the end of the definition of BOILER, LOW PRESSURE as follows: This definition is not applicable to boilers regulated by the Boiler and Pressure Vessel Rules Board (680 IAC 2) under IC 22-13-2-9.

(c) Delete the definition of CODE.

(d) Delete the definition of CODE OFFICIAL and substitute to read as follows: See BUILDING OFFICIAL in SECTION R202.

(e) Delete the definition of HAZARDOUS LOCATION.

(f) Add, after “MODULATING”, “NFPA 58. See 675 IAC 22-2.2-14”.

(g) Add, after “UNIT HEATER”, “UNUSUALLY TIGHT CONSTRUCTION. See SECTION R202”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-152; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3290, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-153 Section G2404.7; flood hazard

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 153. Delete SECTION G2404.7 and substitute to read as follows: See local ordinance. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-153; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3291, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-154 Section G2405.1; structural safety

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 154. Delete, in the second sentence of SECTION G2405.1, “repairing” and substitute “altering”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-154; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3291, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-155 Section G2408.1; general

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 155. Make the following changes to SECTION G2408.1: (a) Delete, at the end of the second sentence, “at the time of inspection”.

(b) Delete, at the end of the second paragraph, “and the requirements determined by the code official”.

(c) In the second paragraph, add “and” after “instruc-

tions” and before “the”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-155; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3291, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-156 Section G2408.3; private garages

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 156. Delete SECTION G2408.3. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-156; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3291, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-157 Section G2412.1; scope

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 157. Change SECTION G2412.1 to read as follows: This chapter shall govern the design, installation, and modification of piping systems. The applicability of this code to piping systems extends from the point of delivery to the connections with the equipment and includes the design, materials, components, fabrication, assembly, installation, and testing of such piping systems. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-157; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3291, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-158 Section G2412.1.1; utility piping systems located within buildings

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 158. Delete SECTION G2412.1.1. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-158; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3291, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-159 Section G2413.2; maximum gas demand

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 159. Delete, in the last sentence of the first paragraph of SECTION G2413.2, “a qualified” and substitute “an approved”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-159; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3291, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-160 Section G2414.3; other materials

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 160. Change “code official” to “building official”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-160; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3291, eff 90 days after filing with the Secretary of State)

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675 IAC 14-4.3-161 Section G2415.8; protection against corrosion

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 161. Change, in the third sentence of SECTION G2415.8, “in a manner satisfactory to the code official” to read “as approved by the building official”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-161; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3292, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-162 Section G2415.9.1; individual outside appliances

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 162. Delete SECTION G2415.9.1. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-162; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3292, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-163 Section G2415.16; testing of piping

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 163. Delete, in the last sentence of SECTION G2415.16, “, inspection”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-163; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3292, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-164 Section G2417; inspection, testing, and purging

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 164. Change SECTION G2417 as follows: (a) Change the title to read as follows: SECTION G2417 (406) TESTING AND PURGING.

(b) Delete, in SECTION G2417.1, “inspected and”.

(c) Delete SECTION G2417.1.1.

(d) Change the title and text of SECTION G2417.1.2 to read as follows: Additions. In the event additions are made following the pressure test, the affected piping shall be tested.

EXCEPTION: Minor additions, provided the work and connections are tested with a noncorrosive leak-detecting fluid or other leak-detecting methods approved by the building official.

(*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-164; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3292, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-165 Section G2417.6.2; before turning gas on

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 165. Change SECTION G2417.6.2 to read as follows: Before gas is introduced into a system of new gas piping, it shall be determined that there are no open fittings or ends and that all manual valves at outlets on equipment are closed and all unused valves at outlets are closed and plugged or capped. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-165; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3292, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-166 Section G2417.6.3; test for leakage

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 166. (a) Delete, in SECTION G2417.6.3, “or into a system that has been initially restored after an interruption of service,”.

(b) Change the last sentence of SECTION G2417.6.3 to read as follows: If leakage is indicated, the gas supply shall be shut off until the leakage is corrected. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-166; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3292, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-167 Section G2417.7.1; removal from service

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 167. Delete, from SECTION G2417.7.1, “servicing,” and substitute “an”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-167; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3292, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-168 Section G2420.2; meter valve

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 168. Delete SECTION G2420.2. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-168; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3292, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-169 Section G2423; CNG gas-dispensing systems

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 169. Delete SECTION G2423. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-169; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3292, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-170 Section G2425.1; scope

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 170. Delete, from SECTION G2425.1, “, maintenance, repair”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-170; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3292, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-171 Section G2427.6.10; marking
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 171. Delete SECTION G2427.6.10. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-171; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3293, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-172 Section G2427.8; venting system termination location
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 172. Change SECTION G2427.8, Item 4, to read as follows: 4. Through-the-wall vents for Categories II and IV appliances and noncategorized appliances shall not terminate over walkways or over an area where condensate or vapor could be detrimental to the operation of regulators, relief valves, or other equipment. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-172; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3293, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-173 Section G2427.9; condensation drain
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 173. Delete SECTION G2427.9 and substitute to read as follows: For collection and disposal of condensate from venting systems, see local ordinance. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-173; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3293, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-174 Section G2428.1; definitions
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 174. Add, to the definition of APPLIANCE CATEGORIZED VENT DIAMETER/AREA in SECTION G2428.1, “approved” after “with” and before “nationally”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-174; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3293, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-175 Section G2431.1; scope
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 175. Change SECTION G2431.1 to read as follows: This chapter shall govern the approval, design, installation, construction, and alteration of the appliances and equip-

ment specifically identified herein. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-175; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3293, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-176 Section G2438; clothes dryers
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 176. Delete SECTION G2438. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-176; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3293, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-177 Section G2439.5.1; maximum length
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 177. Change, in the first sentence of SECTION G2439.5.1, “25 feet (7620 mm)” to read “35 feet”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-177; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3293, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-178 Section G2448.1; general
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13-2-9; IC 22-14; IC 22-15; IC 36-7

Sec. 178. Add an exception to the end of SECTION G2448.1 to read as follows: EXCEPTION: Water heaters regulated by the Boiler and Pressure Vessel Rules Board (680 IAC 2) under IC 22-13-2-9 are not regulated by this code. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-178; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3293, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-179 Section G2452.1; general
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13-2-9; IC 22-14; IC 22-15; IC 36-7

Sec. 179. Add an exception to the end of SECTION G2452.1 to read as follows: EXCEPTION: Boilers regulated by the Boiler and Pressure Vessel Rules Board (680 IAC 2) under IC 22-13-2-9 are not regulated by this code. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-179; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3293, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-180 Section P2501; general
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 180. Delete SECTION P2501 and substitute to read as follows: The provisions of Chapters 1, 2, and 25 through 32 shall establish the requirements for plumbing and plumbing systems. Compliance with the Indiana Plumbing Code (675 IAC 16) shall be allowed instead of compliance with this code. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-180; filed Jun 13, 2005, 3:00 p.m.: 28 IR*

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675 IAC 14-4.3-181 Section P2502; existing plumbing systems

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 181. Delete the text of SECTION P2502 and substitute to read as follows: See the General Administrative Rules (675 IAC 12). (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-181; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3294, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-182 Section P2503.1; inspection required

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 182. Delete SECTION P2503.1. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-182; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3294, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-183 Section P2503.2; concealment

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 183. Delete, in SECTION P2503.2, “, inspected”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-183; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3294, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-184 Section P2503.3; responsibility of permitter

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 184. Delete SECTION P2503.3. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-184; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3294, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-185 Section P2503.5.2; finished plumbing

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 185. Delete, in SECTION P2503.5.2, Item 2, “the local administrative authority” and substitute “local ordinance”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-185; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3294, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-186 Section P2503.7; inspection and testing of backflow prevention devices

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 186. Change the title and text of SECTION P2503.7 to read as follows: Testing of backflow prevention devices. Testing of backflow prevention devices shall comply with SECTION P2503.7.2. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-186; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3294, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-187 Section P2503.7.1; inspections

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 187. Delete SECTION P2503.7.1. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-187; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3294, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-188 Section P2503.7.2; testing

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 188. Change SECTION P2503.7.2 to read as follows: Reduced pressure principle backflow preventers, double check valve assemblies, double-detector check valve assemblies, and pressure vacuum breaker assemblies shall be tested at the time of installation. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-188; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3294, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-189 Section P2603.1; general

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 189. Delete, in SECTION P2603.1, “or repairing”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-189; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3294, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-190 Section P2603.2.1; protection against physical damage

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 190. Make the following changes in SECTION P2603.2.1: (a) Change “1.5 inches (38 mm)” to read “1¼ inches (31 mm)”.

(b) Delete “and shall extend a minimum of 2 inches (51 mm) above sole plates and below top plates”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-190; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3294, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-191 Section P2603.5; pipes through footings or foundation walls

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 191. Delete, in SECTION P2603.5, “two pipe sizes”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-191; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3294, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-192 Section P2706.2; standpipes
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 192. Add an exception to the end of SECTION P2706.2 to read as follows: EXCEPTION: A 1½ inch (38 mm) standpipe shall extend a minimum of 30 inches (762 mm) and a maximum of 42 inches (1,067 mm). *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-192; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3295, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-193 Section P2706.2.1; laundry tray connection
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 193. Delete the last sentence of SECTION P2706.2.1. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-193; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3295, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-194 Section P2717.3; sink, dishwasher, and food grinder
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 194. Change the last sentence of P2717.3 to read as follows: The dishwasher waste line shall rise and be securely fastened. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-194; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3295, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-195 Section P2801.5; required pan
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 195. (a) In the first sentence of SECTION P2801.5 delete “in locations where leakage of the tanks or connections will cause damage” and insert “above a finished ceiling”.

(b) Add an exception to SECTION P2801.5 to read as follows: EXCEPTION: When installed on a water-resistant floor with a floor drain in the same room or space. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-195; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3295, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-196 Section P2802.2; temperature control
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 196. Change, in SECTION P2802.2, “requires” to

“allows”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-196; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3295, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-197 Section P2901.1; potable water required
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 197. Change, in SECTION P2901.1, “appropriate” to “approved”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-197; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3295, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-198 Section P2903.5; water hammer
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 198. Change SECTION P2903.5 to read as follows: Water Hammer. The flow velocity through the water distribution system shall be controlled to reduce the possibility of water hammer. Water hammer arrestors, when installed, shall be installed in accordance with manufacturer’s installation instructions and shall conform to ASSE/ANSI 1010. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-198; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3295, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-199 Section P2903.9.1; service valve
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 199. Change, in the last sentence of SECTION P2903.9.1, “requirements” to “ordinance”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-199; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3295, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-200 Section P3007.1; sewage ejectors or sewage pumps
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 200. Delete the fourth sentence of SECTION 3007.1 and substitute to read as follows: A check valve, and a full way valve located on the discharge side of the check valve, shall be installed in the pump or ejector discharge piping between the pump or ejector and the drainage system. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-200; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3295, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-201 Section P3007.1.1; ejectors alarms
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 201. Add SECTION 3007.1.1 to read as follows: Sewage ejectors that discharge by means of automatic pumping

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equipment shall be provided with an approved, electrically operated high water indicating alarm. A remote sensor shall activate the alarm when the fluid level exceeds a preset level that is less than the maximum capacity of the pit. The alarm shall function to provide a signal to occupants within the dwelling. Electrical power for the alarm shall be supplied through a branch circuit separate from that supplying the pump motor. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-201; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3295, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-202 Section P3101.4; extension outside a structure

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 202. Delete SECTION P3101.4. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-202; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3296, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-203 Section P3101.5; flood resistance

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 203. Delete SECTION P3101.5. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-203; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3296, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-204 Section P3103.1; roof extension

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 204. Change SECTION P3103.1 to read as follows: All open pipes that extend through a roof shall be terminated at least 12 inches (305 mm) above the highest point where the vent passes through the roof except that where a roof is to be used for any purpose other than weather protection, the vent extension shall terminate no less than 7 feet (2,134 mm) above the roof. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-204; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3296, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-205 Section P3103.2; frost closure

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 205. Delete SECTION P3103.2. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-205; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3296, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-206 Table P3105.1; maximum distance of fixture trap from vent

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 206. Add a note to TABLE P3105.1 to read as follows: NOTE: A trap arm serving only a bath tub or shower may be increased to 9 feet with a slope of not less than 1/8 inch per foot. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-206; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3296, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-207 Table P3201.4; building traps

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 207. Change SECTION P3201.4 as follows: Insert a “.” after “installed” and delete the remainder of the paragraph. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-207; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3296, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-208 Table P3201.7; size of traps and trap arms for plumbing fixtures

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 208. Change TABLE P3201.7 as follows: (a) Change the shower trap size minimum from “2” to “1½”.

(b) Add note (b) to read as follows: (b) A clothes washer standpipe may be 1½ inches when installed in accordance with SECTION P2706.2. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-208; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3296, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-209 Section E3301.2; scope

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 209. Change SECTION E3301.2 to read as follows: Chapters 1 and 33 through 42 shall cover the installation of electrical systems, equipment, and components for the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion suppression systems that are part of a Class 1 structure-townhouse or Class 2 structure-one and two family dwelling.

Services within the scope of this code shall be limited to 120/240-volt, 0 to 400 ampere, single-phase systems.

The omission from these chapters of any material or method of construction provided for in the Indiana Electrical Code (675 IAC 17) shall not be construed as prohibiting the use of such material or method of construction. Electrical systems, equipment, or components not specifically addressed in these chapters shall comply with the applicable provisions of the Indiana Electrical Code (675 IAC 17).

Compliance with the Indiana Electrical Code (675 IAC 17)

is allowed instead of compliance with this code.

EXCEPTION: This section does not require the installation of an electrical system in Class 2 structures. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-209; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3296, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-210 Section E3301.3; not covered
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 210. Add Item 3 to SECTION E3301.3 to read as follows: **3. Installations not part of a Class 1 structure-townhouse or Class 2 structure-one and two family dwelling.** *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-210; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3297, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-211 Section E3303.2; inspection required
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 211. Delete SECTION E3303.2. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-211; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3297, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-212 Section E3304.2; interrupting rating
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 212. Change SECTION E3304.2 to read as follows: **Equipment intended to interrupt current at fault levels shall have an interrupting rating sufficient for the nominal circuit voltage and the current that is available at the line terminals of the equipment. Equipment intended to interrupt current at other than fault levels shall have an interrupting rating at nominal circuit voltage sufficient for the current that must be interrupted.** *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-212; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3297, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-213 Section E3305.6; illumination
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 213. Add a sentence to the end of SECTION E3305.6 to read as follows: **Additional lighting fixtures shall not be required where the work space is illuminated by an adjacent artificial light source.** *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-213; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3297, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-214 Section E3306.5; individual conductor insulation
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 214. Delete the second sentence in Section E3306.5 without substitution. Delete the period after the last sentence and add “in accordance with Table E3605.1”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-214; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3297, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-215 Section E3401; general
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 215. Change SECTION E3401 as follows: (a) Delete the definition of APPROVED and substitute to read as follows: See the definition of APPROVED in SECTION R202.

(b) Delete the definition of BRANCH CIRCUIT, GENERAL PURPOSE and substitute: A branch circuit that supplies two or more receptacles or outlets for lighting and appliances.

(c) Change the definition of Grounding Conductor, Equipment to read as follows: The conductor used to connect the noncurrent-carrying metal parts of equipment, raceways, and other enclosures to the system grounded conductor or the grounding electrode conductor, or both, at the service equipment or at the source of a separately derived system.

(d) Change the definition of Grounding Electrode Conductor to read as follows: The conductor used to connect the grounding electrode(s) to the equipment grounding conductor or to the grounded conductor, or to both, at the service equipment, at each building or structure where supplied from a common service, or at the source of a separately derived system.

(e) Delete the definition of GROUND-FAULT CIRCUIT-INTERRUPTER and substitute: A device intended for the protection of personnel that functions to de-energize a circuit or portion thereof within an established period of time when a current to ground exceeds the value established for a Class A device.

(f) Delete the definition of LABELED and substitute as follows: See the definition of LABELED in SECTION R202.

(g) Delete the definition of LISTED and substitute to read as follows: See the definition of LISTED AND LISTING in SECTION R202. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-215; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3297, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-216 Section E3501.6.2; service disconnect location
 Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

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Sec. 216. At the end of SECTION E3501.6.2, add a sentence to read as follows: “Conductors shall be considered outside of a building or structure under any of the following conditions:

- (1) where installed under not less than 2 inches (51 mm) of concrete beneath a building or other structure,
- (2) where installed within a building or other structure in a raceway that is encased in concrete or brick,
- (3) where installed in conduit and under not less than 18 inches (457 mm) of earth beneath a building or other structure.”.

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-216; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3297, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-217 Table E3503.1; service conductor and grounding electrode conductor sizing

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 217. Delete all references to insulation types without substitution. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-217; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3298, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-218 Section E3504.2.1; above roofs

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 218. In Exception 1, after “pedestrian”, insert “or vehicular”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-218; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3298, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-219 Section E3505.5; protection of service cables against damage

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 219. In SECTION E3505.5, delete “rigid nonmetallic conduit suitable for the location” and insert “Schedule 80 rigid nonmetallic conduit”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-219; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3298, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-220 Section E3506.3; available short-circuit current

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 220. Delete, from SECTION E3506.3, “, but not less than 10,000 amperes”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-220; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3298, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-221 Section E3511.1; methods of grounding conductor connection to electrodes

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 221. Change the first sentence of SECTION E3511.1 by adding “exothermic welding” between “by” and “listed”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-221; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3298, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-222 Section E3602.9.1; minimum branch circuit for ranges

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 222. Add Exceptions 1 and 2 to SECTION E3602.9.1 to read as follows:

EXCEPTIONS: 1. Tap conductors supplying electric ranges, wall-mounted electric ovens, and counter-mounted electric cooking units from a 50-ampere branch circuit shall have an ampacity of not less than 20 and shall be sufficient for the load to be served. The taps shall not be longer than necessary for servicing the appliance.
2. The neutral conductor of a 3-wire branch circuit supplying a household electric range, a wall-mounted oven, or a counter-mounted cooking unit shall be permitted to be smaller than the ungrounded conductors where the maximum demand of a range of 8¾ kW or more rating has been computed according to Column A of TABLE E3604.3(2), but shall have an ampacity of not less than 70 percent of the branch-circuit rating and shall not be smaller than No. 10.

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-222; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3298, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-223 Section E3602.10; branch circuits serving heating loads

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 223. In the second sentence of SECTION E3602.10, insert “25” to the list of circuit ratings. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-223; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3298, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-224 Section E3602.12; branch circuits serving room air conditioners

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 224. In SECTION E3602.12, Item 4, delete “or the rating of the branch-circuit conductors”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-224; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3298, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-225 Section E3602.12.1; where no other loads are supplied

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 225. In SECTION E3602.12.1, delete “appliances are also supplied” and insert “loads are supplied”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-225; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3299, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-226 Section E3602.12.2; where lighting units or other appliances are also supplied

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 226. Delete the text of SECTION E3602.12.2 and substitute: The total marked rating of a cord-and-attachment-plug-connected room air conditioner shall not exceed 50 percent of the rating of a branch circuit where lighting outlets, other appliances, or general use receptacles are also supplied. Where the circuitry is interlocked to prevent simultaneous operation of the room air conditioner and energization of other outlets on the same branch circuit, a cord-and-attachment-plug-connected room air conditioner shall not exceed 80 percent of the branch-circuit rating. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-226; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3299, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-227 Section E3604.4; feeder neutral load

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 227. Add a sentence to the end of SECTION 3604.4 to read as follows: “A further demand factor of 70 percent shall be permitted for that portion of the unbalanced load in excess of 200 amps.” *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-227; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3299, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-228 Section E3703.4; protection from damage

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 228. In the third sentence of SECTION E3703.4, delete “service laterals” and substitute “underground service conductors”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-228; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3299, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-229 Figure E3801.4; countertop receptacles

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 229. Change FIGURE E3801.4 as follows: Add to FIGURE E3801.4 text to read “GFCI” next to the receptacle for the island countertop. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-229; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3299, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-230 Section E3801.4.5; receptacle outlet location

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 230. Change the first sentence of SECTION E3801.4.5 to read as follows: Receptacle outlets shall be located above, but not more than 20 inches (508 mm) above the countertop. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-230; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3299, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-231 Section E3801.6; bathroom

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 231. In SECTION E3801.6, delete the second sentence and substitute: The receptacle outlet shall be located on a wall or partition that is adjacent to the basin or basin countertop. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-231; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3299, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-232 Section E3801.9; basements and garages

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 232. In the last sentence of SECTION E3801.9, delete “in the unfinished portion” and substitute “in each separate unfinished portion”. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-232; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3299, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-233 Section E3801.11; HVAC outlet

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 233. In the first sentence of SECTION E3801.11, delete “located in attics and crawl spaces” without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-233; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3299, eff 90 days after filing with the Secretary of State)*

675 IAC 14-4.3-234 Section E3802.8; boathouse receptacles

Authority: IC 22-13-2-2; IC 22-13-2-13
 Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 234. Change SECTION 3802.8 to read as follows: All 125-volt, single phase, 15 or 20 ampere receptacles installed

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in boathouses shall have ground-fault circuit-interrupter protection for personnel. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-234; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3299, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-235 Section E3802.11; bedroom outlets

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 235. In SECTION E3802.11, add “receptacle” after “20-ampere” and before “outlets”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-235; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3300, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-236 Section E3803.3; additional locations

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 236. In the second sentence, the third sentence, and the exception of SECTION E3803.3, delete “egress door” and substitute “entrances or exits”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-236; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3300, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-237 Section E3805.1; box, conduit body, or fitting; where required

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 237. In the first sentence of SECTION E3805.1, after “junction point”, insert “, termination point”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-237; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3300, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-238 Section E3805.3.1; nonmetallic-sheathed cable and nonmetallic boxes

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 238. In SECTION E3805.3.1, after “Where nonmetallic-sheathed cable”, insert “or multiconductor Type UF cable” and, after “¼ inch (6.4 mm)”, insert “and beyond any cable clamp”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-238; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3300, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-239 Section E3805.3.2; securing to box

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 239. In SECTION E3805.3.2, in the exception, after “Where nonmetallic-sheathed”, insert “or multiconductor Type UF” and, at the end of the exception, insert “Multiple

cable entries shall be permitted in a single cable knockout opening”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-239; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3300, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-240 Section E3806.5; in wall or ceiling

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 240. In SECTION E3806.5, in the first sentence, after “tile”, insert “, gypsum, plaster” and, in the second sentence, after “combustible”, insert “surface”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-240; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3300, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-241 Section E3806.8.2.1; nails and screws

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 241. Change the section heading to “Nails and screws”. In the text, delete “Nails”, and insert “Nails and screws”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-241; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3300, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-242 Section E3807.7; cables

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 242. At the end of Part 6 in the exception, delete the words “the applicable article”. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-242; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3300, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-243 Section E3808.7; load-side equipment

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 243. Add EXCEPTION 2 to SECTION E3808.7 to read as follows: EXCEPTION 2. It shall be permissible to ground meter enclosures by connection to the grounded circuit conductor on the load-side of the service if:

(1) all meter enclosures are located near the service disconnecting means; and

(2) the size of the grounded circuit conductor is not smaller than the size specified in TABLE E3808.12 for equipment grounding conductors.

(Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-243; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3300, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-244 Section E3808.8; types of equipment grounding conductors

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 244. In SECTION E3808.8, delete the first sentence in Item 1 and insert “A copper, aluminum, or copper-clad aluminum conductor”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-244; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3300, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-245 Section E3901.3; indicating

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 245. Make the following changes to SECTION E3901.3: (a) In the second sentence, delete “single throw”.

(b) Add an exception to read as follows: “Vertically operated double-throw switches shall be permitted to be in the closed (on) position with the handle in either the up or down position”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-245; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3301, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-246 Section E3902.9; outdoor locations

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 246. Delete SECTION E3902.9 without substitution. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-246; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3301, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-247 Section E3902.10; wet locations other than outdoors

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 247. Delete the title of SECTION E3902.10 and substitute “Exterior wet locations”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-247; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3301, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-248 Section E3902.13; outdoor installation

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 248. Delete SECTION E3902.13 without substitution. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-248; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3301, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-249 Section E3903.11; fixtures in clothes closets

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 249. In SECTION E3903.11, in Item 4, delete “on”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-249; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3301, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-250 Table E4103.5; overhead conductor clearances

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 250. In TABLE E4103.5, in the second column, delete “22” and substitute “22.5” and delete “14” and substitute “14.5”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-250; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3301, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-251 Section E4104.1; bonded parts

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 251. In SECTION E4104.1, at the end of Item 1, add a sentence to read as follows: Where reinforcing steel is encapsulated with a nonconductive compound, provisions shall be made for an alternative means to eliminate voltage gradients that would otherwise be provided by unencapsulated, bonded reinforcing steel. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-251; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3301, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-252 Section E4106.8.2; other enclosures

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 252. In SECTION E4106.8.2, add requirement 6 to read as follows: 6. Comprised of copper, brass, suitable plastic, or other approved corrosion-resistant material. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-252; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3301, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-253 Section E4106.10; electrically operated pool covers

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 253. In SECTION E4106.10, add a sentence to read as follows: The device that controls the operation of the motor for an electrically operated pool cover shall be located so that the operator has full view of the pool. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-253; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3301, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-254 Section E4106.12.2; permanently wired radiant heaters

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 254. In SECTION E4106.12.2, after the second sentence, delete the period and insert “unless otherwise approved”. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-254; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3301, eff 90 days after filing with the Secretary of State*)

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675 IAC 14-4.3-255 Section E4201.2; definitions

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 255. In SECTION E4201.2, before the definition of Class 2 circuit, insert “ABANDONED CLASS 2 CABLE” and its definition to read as follows: Installed Class 2 cable that is not terminated at equipment and not identified for future use with a tag. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-255; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3302, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-256 Section E4201.3; spread of fire or products of combustion

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 256. Add a new SECTION E4201.3 to the end of SECTION E4201 to read as follows: E4201.3 Spread of fire or products of combustion. The accessible portion of abandoned Class 2 cables shall not be permitted to remain. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-256; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3302, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-257 Chapter 43; referenced standards

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 257. Delete, in the first paragraph of CHAPTER 43, “Section 102.4” and substitute to read as follows: SECTION R102. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-257; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3302, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-258 Appendix A; sizing and capacities of gas pipe

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 258. Delete APPENDIX A. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-258; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3302, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-259 Appendix B; sizing of venting systems serving appliances equipped with draft hoods, Category 1 appliances, and appliances listed for use and Type B vents

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 259. Delete APPENDIX B. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-259; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3302, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-260 Appendix C; exit terminals of mechanical draft and direct-vent systems

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 260. Delete APPENDIX C. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-260; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3302, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-261 Appendix D; recommend procedure for safety inspection of an existing appliance installation

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 261. Delete APPENDIX D. (Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-261; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3302, eff 90 days after filing with the Secretary of State)

675 IAC 14-4.3-262 Appendix E; manufactured housing used as dwellings

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 262. (a) Change the second paragraph of AE101.1 General to read as follows: AE 101.2 Applicability. These provisions shall be applicable only to a manufactured home or mobile home used as a dwelling unit on privately owned (nonrental) lots and shall apply to the following:

1. Construction or alteration of any foundation system that is necessary to provide for the installation of a manufactured home unit.
2. Construction, installation, addition, or alteration of the building service equipment that is necessary for connecting manufactured homes to water, fuel, or power supplies and sewage systems.
3. Alterations or additions to existing manufactured homes. The construction, alteration, and use of accessory buildings and structures and their building service equipment shall comply with the applicable requirements of the Indiana Residential Code (675 IAC 14).

These provisions shall not be applicable to the design and factory construction of manufactured homes nor shall they be deemed to authorize either modifications or additions to manufactured homes.

(b) Change subsection AE102.1 to read as follows: Manufactured homes and their building service equipment to which additions or alterations are made shall comply with all of the applicable requirements of the Indiana Residential Code (675 IAC 14) for new facilities.

(c) Change the title and text of subsection AE102.2 to read as follows: AE102.2 Additions. Additions made to a manufactured home shall conform to the requirements of this

code and all other applicable Indiana codes. Additions shall be structurally independent from the manufactured home.

EXCEPTION: Structural independence need not be provided when:

- (1) structural calculations are provided to the building official confirming that the addition will not adversely affect the structural integrity of the manufactured home, or
- (2) the manufacturer of the home confirms, in writing, that the home will safely support the structural loads imposed by the proposed addition.

(d) Add subsection AE102.2.1 to read as follows: **AE102.2.1 Alterations.** Alterations may be made to any manufactured home or to its building service equipment without requiring the existing manufactured home or its building service equipment to comply with all the requirements of these provisions, provided the alteration or additions conform to that required for new construction, and provided further that no hazard to life, health, or safety will be created by such additions or alterations.

(e) Delete subsection AE102.3 without substitution.

(f) Change subsection AE102.4 to read as follows: The use or occupancy of any manufactured home shall not be changed unless evidence is provided to show compliance with the applicable rules of the Fire Prevention and Building Safety Commission for the new use or occupancy and be released for construction when required by the General Administrative Rules (675 IAC 12).

(g) Delete AE102.5 without substitution.

(h) Change subsection AE301.1 to read as follows: Where required by local ordinance, a manufactured home shall not be installed or altered without first obtaining a permit.

(i) Change the title and text of subsection AE301.2 to read as follows: **AE301.2 Additions and alterations to a manufactured home.** Where required by local ordinance, a permit shall be obtained to alter, remodel, or add accessory buildings or structures to a manufactured home.

(j) Delete subsection AE301.3 without substitution.

(k) Delete subsection AE301.4 without substitution.

(l) Delete SECTION AE302 without substitution.

(m) Delete SECTION AE303 without substitution.

(n) Delete SECTION AE304 without substitution.

(o) Delete SECTION AE305 without substitution.

(p) Delete SECTION AE306 without substitution.

(q) Delete SECTION AE307 without substitution.

(r) Change SECTION AE402 to read as follows: Manufactured homes and their accessory buildings shall be located on the property in accordance with the applicable sections of the Indiana Residential Code (675 IAC 14) and the ordinances of the jurisdiction in which the home is sited.

(s) Change the exception in subsection AE501.1 to read as follows: **EXCEPTION:** When specifically approved by the building official, foundation and anchoring systems that are constructed in accordance with the methods specified in Section A600 of this code.

(t) Change the text of AE502.1 to read as follows: Foundation systems designed and constructed in accordance with this section shall be considered as a permanent installation. Where the manufacturer's installation instructions and foundation design details for the home are available, the foundation system shall be installed in accordance with those instructions.

(u) Change subsection AE502.5 to read as follows: Provisions shall be made for the control and drainage of surface water away from the manufactured home in accordance with SECTION 401.3 of this code.

(v) Change subsection AE504 to read as follows: Accessory structures shall not be structurally supported by a manufactured home.

EXCEPTION: Structural independence need not be provided when:

1. structural calculations are provided to the building official confirming that the addition will not adversely affect the structural integrity of the manufactured home, or
2. the manufacturer of the home confirms, in writing, that the home will safely support the structural loads imposed by the proposed accessory structure.

(w) Change SECTION AE505 to read as follows: The alteration, replacement, or addition to the building service equipment, other than that required for the initial installation of the manufactured home, shall conform to the regulations set forth in this code.

(x) Delete subsection AE506.2 without substitution.

(y) Change subsection AE507 to read as follows: Alterations made to a manufactured home subsequent to its initial installation shall conform to the occupancy, fire safety, and energy conservation requirements set forth in, or referenced by, the applicable rules of the Fire Prevention and Building Safety Commission.

(z) Change AE604.1 to read as follows: **Ground Anchors.** Ground anchors shall be designed and installed to transfer

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the anchoring loads to the ground. The ground anchors shall be sized and installed to the full depth and as specified in the manufacturer's installation manual and shall be installed in undisturbed soil.

(aa) Change subsection AE604.3 to read as follows: All anchoring equipment exposed to weathering shall have a resistance to weather deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.625 ounces per square foot on each side of the surface coated.

(bb) Add a new SECTION AE701 Manufacturer's Installation Instructions to read as follows: Manufacturer's Installation Instructions. When the manufacturer's installation instructions are available, manufactured homes installed upon owned (nonrental) lots shall be installed per those installation instructions. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-262; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3302, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-263 Appendix F; radon control methods
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 263. Delete APPENDIX F. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-263; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3304, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-264 Appendix G; swimming pools, spas, and hot tubs
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 264. Delete APPENDIX G and substitute to read as follows: See the Indiana Swimming Pool Code (675 IAC 20). (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-264; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3304, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-265 Appendix H; patio covers
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 265. Delete APPENDIX H. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-265; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3304, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-266 Appendix I; private sewage disposal
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 266. Delete APPENDIX I. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-266; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3304, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-267 Appendix J; existing buildings and structures

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 267. Delete APPENDIX J and substitute to read as follows: See the General Administrative Rules (675 IAC 12) and local ordinance. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-267; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3304, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-268 Appendix K; sound transmission
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 268. Delete APPENDIX K. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-268; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3304, eff 90 days after filing with the Secretary of State*)

675 IAC 14-4.3-269 Appendix L; ICC International Residential Electrical Provisions/National Electrical Code Cross Reference

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 269. Delete APPENDIX L. (*Fire Prevention and Building Safety Commission; 675 IAC 14-4.3-269; filed Jun 13, 2005, 3:00 p.m.: 28 IR 3304, eff 90 days after filing with the Secretary of State*)

SECTION 2. THE FOLLOWING ARE REPEALED: 675 IAC 14-4.2-1; 675 IAC 14-4.2-2; 675 IAC 14-4.2-3; 675 IAC 14-4.2-4; 675 IAC 14-4.2-5; 675 IAC 14-4.2-6; 675 IAC 14-4.2-7; 675 IAC 14-4.2-8; 675 IAC 14-4.2-9; 675 IAC 14-4.2-10; 675 IAC 14-4.2-11; 675 IAC 14-4.2-12; 675 IAC 14-4.2-13; 675 IAC 14-4.2-13.5; 675 IAC 14-4.2-14; 675 IAC 14-4.2-15; 675 IAC 14-4.2-15.5; 675 IAC 14-4.2-16; 675 IAC 14-4.2-17; 675 IAC 14-4.2-18; 675 IAC 14-4.2-19; 675 IAC 14-4.2-19.5; 675 IAC 14-4.2-20; 675 IAC 14-4.2-20.5; 675 IAC 14-4.2-21; 675 IAC 14-4.2-22; 675 IAC 14-4.2-23; 675 IAC 14-4.2-24; 675 IAC 14-4.2-25; 675 IAC 14-4.2-26; 675 IAC 14-4.2-26.5; 675 IAC 14-4.2-27; 675 IAC 14-4.2-27.5; 675 IAC 14-4.2-28; 675 IAC 14-4.2-29; 675 IAC 14-4.2-30; 675 IAC 14-4.2-31; 675 IAC 14-4.2-32; 675 IAC 14-4.2-33; 675 IAC 14-4.2-34; 675 IAC 14-4.2-35; 675 IAC 14-4.2-36; 675 IAC 14-4.2-37; 675 IAC 14-4.2-37.5; 675 IAC 14-4.2-38; 675 IAC 14-4.2-39; 675 IAC 14-4.2-40; 675 IAC 14-4.2-41; 675 IAC 14-4.2-42; 675 IAC 14-4.2-43; 675 IAC 14-4.2-44; 675 IAC 14-4.2-45; 675 IAC 14-4.2-45.3; 675 IAC 14-4.2-45.5; 675 IAC 14-4.2-45.6; 675 IAC 14-4.2-46; 675 IAC 14-4.2-46.5; 675 IAC 14-4.2-46.6; 675 IAC 14-4.2-46.8; 675 IAC 14-4.2-47; 675 IAC 14-4.2-48; 675 IAC 14-4.2-49; 675 IAC 14-4.2-49.1; 675 IAC 14-4.2-49.3; 675 IAC 14-4.2-49.5; 675 IAC 14-4.2-50; 675 IAC 14-4.2-51; 675 IAC 14-4.2-52; 675 IAC 14-4.2-53; 675 IAC 14-

4.2-53.7; 675 IAC 14-4.2-54; 675 IAC 14-4.2-55; 675 IAC 14-4.2-56; 675 IAC 14-4.2-57; 675 IAC 14-4.2-58; 675 IAC 14-4.2-59; 675 IAC 14-4.2-60; 675 IAC 14-4.2-61; 675 IAC 14-4.2-62; 675 IAC 14-4.2-63; 675 IAC 14-4.2-64; 675 IAC 14-4.2-65; 675 IAC 14-4.2-66; 675 IAC 14-4.2-67; 675 IAC 14-4.2-67.5; 675 IAC 14-4.2-68; 675 IAC 14-4.2-69; 675 IAC 14-4.2-69.5; 675 IAC 14-4.2-69.6; 675 IAC 14-4.2-70; 675 IAC 14-4.2-71; 675 IAC 14-4.2-72; 675 IAC 14-4.2-73; 675 IAC 14-4.2-73.5; 675 IAC 14-4.2-74; 675 IAC 14-4.2-75; 675 IAC 14-4.2-75.5; 675 IAC 14-4.2-76; 675 IAC 14-4.2-77; 675 IAC 14-4.2-77.5; 675 IAC 14-4.2-77.6; 675 IAC 14-4.2-77.7; 675 IAC 14-4.2-78; 675 IAC 14-4.2-78.5; 675 IAC 14-4.2-79; 675 IAC 14-4.2-80; 675 IAC 14-4.2-81; 675 IAC 14-4.2-81.2; 675 IAC 14-4.2-81.3; 675 IAC 14-4.2-81.7; 675 IAC 14-4.2-82; 675 IAC 14-4.2-83; 675 IAC 14-4.2-84; 675 IAC 14-4.2-84.5; 675 IAC 14-4.2-85; 675 IAC 14-4.2-85.5; 675 IAC 14-4.2-86; 675 IAC 14-4.2-87; 675 IAC 14-4.2-88; 675 IAC 14-4.2-89; 675 IAC 14-4.2-89.2; 675 IAC 14-4.2-89.5; 675 IAC 14-4.2-89.6; 675 IAC 14-4.2-89.8; 675 IAC 14-4.2-89.9; 675 IAC 14-4.2-90; 675 IAC 14-4.2-91; 675 IAC 14-4.2-92; 675 IAC 14-4.2-93; 675 IAC 14-4.2-94; 675 IAC 14-4.2-95; 675 IAC 14-4.2-96; 675 IAC 14-4.2-96.2; 675 IAC 14-4.2-97; 675 IAC 14-4.2-97.5; 675 IAC 14-4.2-97.9; 675 IAC 14-4.2-98; 675 IAC 14-4.2-99; 675 IAC 14-4.2-100; 675 IAC 14-4.2-101; 675 IAC 14-4.2-102; 675 IAC 14-4.2-103; 675 IAC 14-4.2-104; 675 IAC 14-4.2-105; 675 IAC 14-4.2-105.5; 675 IAC 14-4.2-106; 675 IAC 14-4.2-107; 675 IAC 14-4.2-108; 675 IAC 14-4.2-109; 675 IAC 14-4.2-110; 675 IAC 14-4.2-111; 675 IAC 14-4.2-112; 675 IAC 14-4.2-112.5; 675 IAC 14-4.2-113; 675 IAC 14-4.2-114; 675 IAC 14-4.2-115; 675 IAC 14-4.2-116; 675 IAC 14-4.2-117; 675 IAC 14-4.2-118; 675 IAC 14-4.2-119; 675 IAC 14-4.2-120; 675 IAC 14-4.2-121; 675 IAC 14-4.2-122; 675 IAC 14-4.2-123; 675 IAC 14-4.2-124; 675 IAC 14-4.2-125; 675 IAC 14-4.2-126; 675 IAC 14-4.2-127; 675 IAC 14-4.2-128; 675 IAC 14-4.2-129; 675 IAC 14-4.2-130; 675 IAC 14-4.2-131; 675 IAC 14-4.2-132; 675 IAC 14-4.2-133; 675 IAC 14-4.2-134; 675 IAC 14-4.2-135; 675 IAC 14-4.2-136; 675 IAC 14-4.2-137; 675 IAC 14-4.2-138; 675 IAC 14-4.2-139; 675 IAC 14-4.2-140; 675 IAC 14-4.2-141; 675 IAC 14-4.2-142; 675 IAC 14-4.2-143; 675 IAC 14-4.2-144; 675 IAC 14-4.2-145; 675 IAC 14-4.2-146; 675 IAC 14-4.2-147; 675 IAC 14-4.2-148; 675 IAC 14-4.2-149; 675 IAC 14-4.2-150; 675 IAC 14-4.2-151; 675 IAC 14-4.2-152; 675 IAC 14-4.2-153; 675 IAC 14-4.2-154; 675 IAC 14-4.2-155; 675 IAC 14-4.2-156; 675 IAC 14-4.2-157; 675 IAC 14-4.2-158; 675 IAC 14-4.2-159; 675 IAC 14-4.2-160; 675 IAC 14-4.2-161; 675 IAC 14-4.2-162; 675 IAC 14-4.2-163; 675 IAC 14-4.2-164; 675 IAC 14-4.2-165; 675 IAC 14-4.2-166; 675 IAC 14-4.2-167; 675 IAC 14-4.2-168; 675 IAC 14-4.2-169; 675 IAC 14-4.2-170; 675 IAC 14-4.2-171; 675 IAC 14-4.2-171.5; 675 IAC 14-4.2-172; 675 IAC 14-4.2-173; 675 IAC 14-4.2-174; 675 IAC 14-4.2-174.5; 675 IAC 14-4.2-175; 675 IAC 14-4.2-176; 675 IAC 14-4.2-177; 675 IAC 14-4.2-177.5; 675 IAC 14-4.2-178; 675 IAC 14-4.2-179; 675 IAC 14-4.2-180; 675 IAC 14-4.2-181; 675 IAC 14-4.2-181.1; 675 IAC 14-4.2-182; 675 IAC 14-4.2-182.1; 675 IAC 14-4.2-183; 675 IAC 14-4.2-184; 675 IAC 14-4.2-185; 675 IAC 14-4.2-185.1; 675 IAC 14-

4.2-186; 675 IAC 14-4.2-187; 675 IAC 14-4.2-187.1; 675 IAC 14-4.2-187.2; 675 IAC 14-4.2-187.3; 675 IAC 14-4.2-187.4; 675 IAC 14-4.2-188; 675 IAC 14-4.2-189; 675 IAC 14-4.2-189.2; 675 IAC 14-4.2-190; 675 IAC 14-4.2-190.1; 675 IAC 14-4.2-190.2; 675 IAC 14-4.2-190.3; 675 IAC 14-4.2-190.4; 675 IAC 14-4.2-190.5; 675 IAC 14-4.2-191; 675 IAC 14-4.2-191.1; 675 IAC 14-4.2-191.2; 675 IAC 14-4.2-191.3; 675 IAC 14-4.2-191.4; 675 IAC 14-4.2-191.5; 675 IAC 14-4.2-192; 675 IAC 14-4.2-192.1; 675 IAC 14-4.2-192.2; 675 IAC 14-4.2-192.3; 675 IAC 14-4.2-192.4; 675 IAC 14-4.2-192.5; 675 IAC 14-4.2-192.6; 675 IAC 14-4.2-193; 675 IAC 14-4.2-193.1; 675 IAC 14-4.2-193.2; 675 IAC 14-4.2-193.3; 675 IAC 14-4.2-193.4; 675 IAC 14-4.2-193.5; 675 IAC 14-4.2-194; 675 IAC 14-4.2-194.1; 675 IAC 14-4.2-194.2; 675 IAC 14-4.2-194.3; 675 IAC 14-4.2-194.4; 675 IAC 14-4.2-194.5; 675 IAC 14-4.2-194.6; 675 IAC 14-4.2-194.7; 675 IAC 14-4.2-195; 675 IAC 14-4.2-196; 675 IAC 14-4.2-197; 675 IAC 14-4.2-198; 675 IAC 14-4.2-199; 675 IAC 14-4.2-200; 675 IAC 14-4.2-201; 675 IAC 14-4.2-202; 675 IAC 14-4.2-203; 675 IAC 14-4.2-204; 675 IAC 14-4.2-205; 675 IAC 14-4.2-206.

SECTION 3. SECTIONS 1 and 2 of this document take effect ninety (90) days after filing with the secretary of state.

LSA Document #04-194(F)

Notice of Intent Published: August 1, 2004; 27 IR 3594

Proposed Rule Published: October 1, 2004; 28 IR 268

Hearing Held: December 15, 2004 and February 1, 2005

Approved by Attorney General: May 24, 2005

Approved by Governor: June 13, 2005

Filed with Secretary of State: June 13, 2005, 3:00 p.m.

IC 4-22-7-5(c) Notice from Secretary of State Regarding Documents Incorporated by Reference: 2003 International Residential Code for One and Two Family Dwellings, fifth printing.

**TITLE 511 INDIANA STATE BOARD OF
EDUCATION**

Under IC 4-22-2-38, corrects the following inaccurate references to a statute or rule in the Indiana Administrative Code, 2005 Edition:

- (1) In 511 IAC 1-2.5-1, delete “IC 20-10.1-6.5-4” and insert “IC 21-1-31-4”.
- (2) In 511 IAC 1-3-1(o)(2), delete “IC 20-8.1-3” and insert “IC 20-33-2”.
- (3) In 511 IAC 1-3-2(e)(4), delete “IC 20-8.1-6.1-6” and insert “IC 20-26-11-10”.
- (4) In 511 IAC 1-3-2(e)(6), delete “IC 20-8.1-6.1-6” and insert “IC 20-26-11-10”.
- (5) In 511 IAC 1-6-1(3), delete “IC 20-8.1-6.1” and insert “IC 20-26-11”.
- (6) In 511 IAC 1-6-2, delete “IC 20-8.1-6.1-2” and insert “IC 20-26-11-5”.
- (7) In 511 IAC 1-6-3, delete “IC 20-8.1-6.2” and insert “IC 20-26-11-5”.
- (8) In 511 IAC 1-6-4, delete “IC 20-1-6-1(a)” and insert “IC 20-35-1-2”.
- (9) In 511 IAC 1-6-4, delete “511 IAC 7-15-5” and insert “511 IAC 7-30-3”.
- (10) In 511 IAC 1-6-5(a), delete “IC 20-8.1-6.1-9” and insert “IC 20-26-11-14”.
- (11) In 511 IAC 1-7-1, delete “IC 20-8.1-3-2(b)” and insert “IC 20-33-2-3”.
- (12) In 511 IAC 1-7-1, delete “IC 20-8.1-3” and insert “IC 20-33-2”.
- (13) In 511 IAC 1-8-2, delete “IC 20-8.1-6.1 or IC 20-8.1-6.5” and insert “IC 20-26-11”.
- (14) In 511 IAC 1-8-7(a), delete “IC 20-8.1-6.1-8(h)” and insert “IC 20-26-11-13(h)”.
- (15) In 511 IAC 1-8-11(a), delete “IC 20-8.1-6.1-8(h)” and insert “IC 20-26-11-13(h)”.
- (16) In 511 IAC 4-4-3(b), delete “IC 20-1-11.3” and insert “IC 20-20-1”.
- (17) In 511 IAC 5-1-1(b), delete “IC 20-10.1-12.1-1” and insert “IC 20-20-6-1”.
- (18) In 511 IAC 5-1-1(e), delete “IC 20-8.1-3-17” and insert “IC 20-33-2-4”.
- (19) In 511 IAC 5-1-1(f), delete “IC 20-8.1-3-17(b)(2)” and insert “IC 20-33-2-6(a)(3)”.
- (20) In 511 IAC 5-2-4(d), delete “IC 20-1-6” and insert “IC 20-35”.
- (21) In 511 IAC 5-3-2, delete “IC 20-10.1-5.7-1” and insert “IC 20-30-10-1”.
- (22) In 511 IAC 6-7-2(a)(2), delete “IC 20-10.1-16-13” and insert “IC 20-32-4”.
- (23) In 511 IAC 6-7-6(c)(7), delete “IC 20-10.1-4-7” and insert “IC 20-30-5-9”.
- (24) In 511 IAC 6-7-6.1(c)(6), delete “IC 20-10.1-4-7” and

insert “IC 20-30-5-9”.

- (25) In 511 IAC 6-10-1, delete “IC 20-10.1-15” and insert “IC 20-30-11”.
- (26) In 511 IAC 6.1-1-1(b)(2), delete “IC 20-10.2-3” and insert “IC 20-31-5”.
- (27) In 511 IAC 6.1-1-1(b)(3), delete “IC 20-10.2-5” and insert “IC 20-31-8”.
- (28) In 511 IAC 6.1-1-1(c)(1), delete “IC 20-5-62” and insert “IC 20-26-15”.
- (29) In 511 IAC 6.1-1-1(d)(1), delete “IC 20-5.5” and insert “IC 20-24”.
- (30) In 511 IAC 6.1-1-1(d)(2), delete “IC 20-5.5” and insert “IC 20-24”.
- (31) In 511 IAC 6.1-1-2(l), delete “IC 20-10.1-16” and insert “IC 20-32-5”.
- (32) In 511 IAC 6.1-1-2(l), delete “IC 20-10.1-17” and insert “IC 20-32-8”.
- (33) In 511 IAC 6.1-1-4(1)(F), delete “IC 20-10.1-16” and insert “IC 20-32-5”.
- (34) In 511 IAC 6.1-1-4(1)(F), delete “IC 20-10.1-17” and insert “IC 20-32-8”.
- (35) In 511 IAC 6.1-1-4(1)(I), delete “IC 20-1-21” and insert “IC 20-20-8”.
- (36) In 511 IAC 6.1-1-4(1)(I)(i), delete “IC 20-1-21-4” and insert “IC 20-20-8-3”.
- (37) In 511 IAC 6.1-1-4(1)(J), delete “IC 20-10.2-3” and insert “IC 20-31-5”.
- (38) In 511 IAC 6.1-1-9(a)(4), delete “IC 20-10.1-17” and insert “IC 20-32-8”.
- (39) In 511 IAC 6.1-1-9(a)(7), delete “IC 20-1-1-6.3” and insert “IC 20-19-2-11”.
- (40) In 511 IAC 6.1-1-9(a)(7), delete “IC 20-1-1-6.5” and insert “IC 20-20-31”.
- (41) In 511 IAC 6.1-1-13.5(a), delete “IC 20-5.5” and insert “IC 20-24”.
- (42) In 511 IAC 6.1-2-4(a), delete “IC 20-8.1-7-10.1” and insert “IC 20-34-4-5”.
- (43) In 511 IAC 6.1-2-4(b), delete “IC 20-8.1-7-16” and insert “IC 20-34-3-12”.
- (44) In 511 IAC 6.1-2-4(c), delete “IC 20-8.1-7-17” and insert “IC 20-34-3-14”.
- (45) In 511 IAC 6.1-2-4(d), delete “IC 20-8.1-7-19” and insert “IC 20-34-3-16”.
- (46) In 511 IAC 6.1-2-5, delete “IC 20-8.1-8-1” and insert “IC 20-34-3-19”.
- (47) In 511 IAC 6.1-5-1(b), delete “IC 20-10.1-16-6” and insert “IC 20-31-3”.
- (48) In 511 IAC 6.1-5-2.5(a)(3), delete “IC 20-10.1-16-6” and insert “IC 20-31-3”.
- (49) In 511 IAC 6.1-5-3(a)(3), delete “IC 20-10.1-16-6” and insert “IC 20-31-3”.
- (50) In 511 IAC 6.1-5-4(d), delete “IC 20-10.1-16-6” and insert “IC 20-31-3”.

- (51) In 511 IAC 6.1-5-5, delete “IC 20-10.1-9-27” and insert “IC 20-26-12-28”.
- (52) In 511 IAC 6.1-6-1(b), delete “IC 20-6.1-4” and insert “IC 20-28-6”.
- (53) In 511 IAC 6.1-6-1(c), delete “IC 20-6.1-5-4” and insert “IC 20-28-9-7”.
- (54) In 511 IAC 6.1-6-1(c), delete “IC 20-6.1-5-5” and insert “IC 20-28-9-8”.
- (55) In 511 IAC 6.1-6-2, delete “IC 20-6.1-9” and insert “IC 20-28-11”.
- (56) In 511 IAC 6.1-8-1(2), delete “IC 20-10.1-16” and insert “IC 20-32-5”.
- (57) In 511 IAC 6.1-8-1(3), delete “IC 20-10.1-16” and insert “IC 20-32-5”.
- (58) In 511 IAC 6.1-8-4(d)(A), delete “IC 20-1-1.3-9” and insert “IC 20-31-11-7”.
- (59) In 511 IAC 6.1-9-4(a), delete “IC 20-10.1-16” and insert “IC 20-32-5”.
- (60) In 511 IAC 6.1-10-1(b), delete “IC 20-1-1-6.3” and insert “IC 20-19-2-11”.
- (61) In 511 IAC 6.1-10-3(3)(A), delete “IC 20-7.5-1-2(1)” and insert “IC 20-29-2-9”.
- (62) In 511 IAC 6.1-10-5(b)(1), delete “IC 20-8.1-9” and insert “IC 20-33-5”.
- (63) In 511 IAC 6.1-10-5(b)(2), delete “IC 20-10.1-4” and insert “IC 20-30-5”.
- (64) In 511 IAC 6.1-10-5(b)(3), delete “IC 20-10.1-5.6” and insert “IC 20-20-10”.
- (65) In 511 IAC 6.1-10-5(b)(4), delete “IC 20-10.1-7” and insert “IC 20-30-6”.
- (66) In 511 IAC 6.1-10-5(b)(5), delete “IC 20-10.1-9” and insert “IC 20-20-5”.
- (67) In 511 IAC 6.1-10-5(b)(6), delete “IC 20-10.1-10” and insert “IC 20-26-12”.
- (68) In 511 IAC 6.1-10-5(b)(7), delete “IC 20-10.1-11” and insert “IC 20-26-12”.
- (69) In 511 IAC 6.2-1-1(2), delete “IC 20-10.2-4” and insert “IC 20-31-7”.
- (70) In 511 IAC 6.2-1-1(2), delete “IC 20-10.2-6” and insert “IC 20-31-9”.
- (71) In 511 IAC 6.2-2-2, delete “IC 20-1-21” and insert “IC 20-20-8”.
- (72) In 511 IAC 6.2-2-4, delete “IC 20-10.1-1-18” and insert “IC 20-18-2-3”.
- (73) In 511 IAC 6.2-2-5, delete “IC 20-10.1-1-5” and insert “IC 20-18-2-5”.
- (74) In 511 IAC 6.2-2-6, delete “IC 20-10.1-1-3” and insert “IC 20-18-2-12”.
- (75) In 511 IAC 6.2-2-7, delete “IC 20-10.1-1-9” and insert “IC 20-18-2-13”.
- (76) In 511 IAC 6.2-2-8, delete “IC 20-10.2-3” and insert “IC 20-31-5”.
- (77) In 511 IAC 6.2-2-9, delete “IC 20-10.1-1-2” and insert “IC 20-18-2-15”.
- (78) In 511 IAC 6.2-2-11, delete “IC 20-10.1-1-1” and insert “IC 20-18-2-16”.
- (79) In 511 IAC 6.2-2-12, delete “IC 20-10.1-1-6” and insert “IC 20-18-2-21”.
- (80) In 511 IAC 6.2-2.5-4(2), delete “IC 20-10.1-16” and insert “IC 20-32-5”.
- (81) In 511 IAC 6.2-2.5-4(2), delete “IC 20-10.1-12.1” and insert “IC 20-20-6”.
- (82) In 511 IAC 6.2-2.5-9 STEP FIVE (B), delete “IC 20-8.1-3-34” and insert “IC 20-33-2-28”.
- (83) In 511 IAC 6.2-3-1(b)(2), delete “IC 20-10.1-16” and insert “IC 20-32-5”.
- (84) In 511 IAC 6.2-3-3(a)(9), delete “IC 20-1-1-6.3” and insert “IC 20-19-2-11”.
- (85) In 511 IAC 6.2-3-3(a)(9), delete “IC 20-1-1-6.5” and insert “IC 20-20-31”.
- (86) In 511 IAC 6.2-4-1, delete “IC 20-1-1-6.3” and insert “IC 20-19-2-11”.
- (87) In 511 IAC 6.2-4-1, delete “IC 20-1-1-6.5” and insert “IC 20-20-31-1”.
- (88) In 511 IAC 6.2-4-2(b)(2), delete “IC 20-10.2-3-1” and insert “IC 20-31-5-1”.
- (89) In 511 IAC 6.2-4-2(b)(3), delete “IC 20-10.2-3” and insert “IC 20-31-5”.
- (90) In 511 IAC 6.2-4-4, delete “IC 20-1-6.5” and insert “IC 20-20-31”.
- (91) In 511 IAC 6.2-6-2(a), delete “IC 20-1-20.5-3” and insert “IC 20-19-4-2”.
- (92) In 511 IAC 6.2-6-2(c)(3), delete “IC 20-5-62” and insert “IC 20-26-15”.
- (93) In 511 IAC 6.2-6-2(c)(3), delete “IC 20-5-62-6(7)” and insert “IC 20-26-15-6(7)”.
- (94) In 511 IAC 6.2-6-2(c)(4), delete “IC 20-5.5” and insert “IC 20-24”.
- (95) In 511 IAC 6.2-6-3(a)(2), delete “IC 20-10.1-16-5(b)” and insert “IC 20-32-5-3”.
- (96) In 511 IAC 6.2-6-3(a)(5), delete “IC 20-10.1-16-5(b)(3)” and insert “IC 20-32-5-3(3)”.
- (97) In 511 IAC 6.2-6-7(2), delete “IC 20-10.2-6” and insert “IC 20-31-9”.
- (98) In 511 IAC 6.2-6-10(a)(2), delete “IC 20-10.1-16-15(b)” and insert “IC 20-32-5-21(b)”.
- (99) In 511 IAC 6.2-6-10(a)(3), delete “IC 20-10.1-16-15(c)” and insert “IC 20-32-5-21(c)”.
- (100) In 511 IAC 6.2-6-10(c)(1), delete “IC 20-10.2-4” and insert “IC 20-31-7”.
- (101) In 511 IAC 6.2-6-10(c)(2), delete “IC 20-10.1-17” and insert “IC 20-32-8”.
- (102) In 511 IAC 6.2-7-2, delete “IC 20-10.2” and insert “IC 20-31”.
- (103) In 511 IAC 7-17-16, delete “IC 20-1-6” and insert “IC 20-35”.
- (104) In 511 IAC 7-18-1(b), delete “IC 20-1-6” and insert “IC 20-35”.
- (105) In 511 IAC 7-18-2(c)(2)(A), delete “IC 20-5-11” and insert “IC 20-26-10”.

- (106) In 511 IAC 7-18-2(c)(2)(B), delete “IC 20-1-6-20” and insert “IC 20-35-5”.
- (107) In 511 IAC 7-27-4(a)(6), delete “IC 20-8.1-5.1” and insert “IC 20-33-8”.
- (108) In 511 IAC 7-27-4(a)(7), delete “IC 20-8.1-5.1” and insert “IC 20-33-8”.
- (109) In 511 IAC 7-27-4(a)(8), delete “IC 20-8.1-5.1” and insert “IC 20-33-8”.
- (110) In 511 IAC 8-1-1, delete “IC 20-1-18.4-3” and insert “IC 20-20-20-3”.
- (111) In 511 IAC 9-1-0.5(1), delete “IC 20-1-1-1” and insert “IC 20-19-2-2”.
- (112) In 511 IAC 9-1-0.5(2), delete “IC 20-1-1-1” and insert “IC 20-19-2-2”.
- (113) In 511 IAC 9-1-1(1), delete “IC 20-10.1-9-6.1” and insert “IC 20-20-5-9”.
- (114) In 511 IAC 9-1-1(1), delete “IC 20-10.1-9-6.3” and insert “IC 20-20-5-11”.
- (115) In 511 IAC 9-1-2(4), delete “IC 20-10.1-9-27” and insert “IC 20-26-12-28”.
- (116) In 511 IAC 9-1-2(5), delete “IC 20-10.1-9-5” and insert “IC 20-20-5-7”.
- (117) In 511 IAC 9-2-2, delete “IC 20-10.1-9-3” and insert “IC 20-20-5-5”.
- (118) In 511 IAC 9-5-2(b), delete “IC 20-10.1-9-10” and insert “IC 20-20-5-15”.
- (119) In 511 IAC 9-5-4, delete “IC 20-10.1-9-1” and insert “IC 20-20-5-1”.
- (120) In 511 IAC 9-6-1(d), delete “IC 20-10.1-9-27” and insert “IC 20-26-12-28”.
- (121) In 511 IAC 10-6-1(3), delete “IC 20-1-6-20” and insert “IC 20-35-5”.
- (122) In 511 IAC 10-6-1(5), delete “IC 20-1-1-6(a)(8)” and insert “IC 20-19-2-8(8)”.
- (123) In 511 IAC 10-6-3(a)(6)(A), delete “IC 20-6.1-9” and insert “IC 20-28-11”.
- (124) In 511 IAC 10-6-3(b), delete “IC 20-6.1-9” and insert “IC 20-28-11”.
- (125) In 511 IAC 10-6-5, delete “IC 20-6.1-9” and insert “IC 20-28-11”.
- (126) In 511 IAC 10-6-5(2), delete “IC 20-6.1-9” and insert “IC 20-28-11”.
- (127) In 511 IAC 11-7-3, delete “IC 20-6.1-4” and insert “IC 20-28-6”.
- (128) In 511 IAC 12-2-4(a), delete “IC 20-6.1-4-8” and insert “IC 20-28-6-7”.
- (129) In 511 IAC 12-2-4(b), delete “IC 20-6.1-4-8” and insert “IC 20-28-6-7”.

Filed with Secretary of State: July 11, 2005, 10:00 a.m.

Under IC 4-22-2-38(g)(2), this correction takes effect 45 days from the date and time filed with the Secretary of State.

TITLE 515 ADVISORY BOARD OF THE DIVISION OF PROFESSIONAL STANDARDS

NOTE: Under P.L.246-2005, SECTION 234, the name of the Professional Standards Board is changed to the Advisory Board of the Division of Professional Standards, effective July 1, 2005.

Under IC 4-22-2-38, corrects the following inaccurate references to a statute in the Indiana Administrative Code, 2005 Edition:

- (1) In 515 IAC 1-1-89(a)(2), delete “IC 20-1-18-7” and insert “IC 20-37-1-1”.
- (2) In 515 IAC 1-1-93(e), delete “IC 20-7.5-1-2(h)” and insert “IC 20-29-2-19”.
- (3) In 515 IAC 1-2-17(c), delete “IC 20-6.1-1-8” and insert “IC 20-18-2-22”.
- (4) In 515 IAC 1-2-18(b)(4), delete “IC 20-6.1-4-13” and insert “IC 20-28-7-7”.
- (5) In 515 IAC 1-4-1(a)(1), delete “IC 20-6.1-3-10.1” and insert “IC 20-28-5-12”.
- (6) In 515 IAC 1-6-1(a), delete “IC 20-6.1-3-11” and insert “IC 20-28-4”.
- (7) In 515 IAC 1-6-4, delete “IC 20-6.1-3-11” and insert “IC 20-28-4”.
- (8) In 515 IAC 1-6-6(c), delete “IC 20-6.1-3-10.1” and insert “IC 20-28-5-12”.
- (9) In 515 IAC 1-6-6(f), delete “IC 20-6.1-3-11” and insert “IC 20-28-4”.
- (10) In 515 IAC 1-7-13(a)(5)(B)(iv), delete “IC 20-1-11.3” and insert “IC 20-20-1”.
- (11) In 515 IAC 1-7-13(a)(5)(B)(v), delete “IC 20-5-11” and insert “IC 20-26-10”.
- (12) In 515 IAC 1-7-16, delete “IC 20-1-1-6.5” and insert “IC 20-20-31”.
- (13) In 515 IAC 2-1-3, delete “IC 20-1-1.9.2” and insert “IC 20-28-1-11”.
- (14) In 515 IAC 2-1-4(5)(C), delete “IC 20-1-1.4” and insert “IC 20-28-2”.
- (15) In 515 IAC 4-1-2(2), delete “IC 20-1-1-6.5” and insert “IC 20-20-31”.
- (16) In 515 IAC 4-1-2(4)(B), delete “IC 20-6.1-4” and insert “IC 20-28-6”.
- (17) In 515 IAC 4-1-2(17), delete “IC 20-6.1-1-8” and insert “IC 20-18-2-22”.
- (18) In 515 IAC 4-1-3, delete “IC 20-6.1-3” and insert “IC 20-28-5”.
- (19) In 515 IAC 4-2-6(2), delete “IC 20-1-1-6.5” and insert “IC 20-20-31”.
- (20) In 515 IAC 4-2-7(a)(1), delete “IC 20-1-1-6.5” and insert “IC 20-20-31”.
- (21) In 515 IAC 5-1-4(b), delete “IC 20-6.1-5-4” and insert “IC 20-28-9-7”.
- (22) In 515 IAC 8-1-1(e), delete “IC 20-6.1-3” and insert “IC 20-28-5”.
- (23) In 515 IAC 9-1-1(e), delete “IC 20-10.1-2-1” and insert “IC 20-30-2-3”.

(24) In 515 IAC 9-1-1(1), delete “IC 20-6.1.3 [*sic*]” and insert “IC 20-28-5”.

(25) In 515 IAC 9-1-18(b)(4), delete “IC 20-6.1-4-13” and insert “IC 20-28-7-7”.

(26) In 515 IAC 9-1-19(g), delete “IC 20-6.1-3-10(a)” and insert “IC 20-28-5-12”.

(27) In 515 IAC 9-1-19(g), delete “IC 20-6.1-3-10” and insert “IC 20-28-5-12”.

Filed with Secretary of State: July 11, 2005, 10:00 a.m.

Under IC 4-22-2-38(g)(2), this correction takes effect 45 days from the date and time filed with the Secretary of State.

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TITLE 52 INDIANA BOARD OF TAX REVIEW

LSA Document #05-172(E)

DIGEST

Temporarily adds provisions establishing procedures to govern proceedings before the Indiana board of tax review with respect to appeals for the 2002 assessment year in Lake County. Statutory authority: HEA 1535, P.L.235-2003; IC 4-22-2-37.1; IC 6-1.1-4-34. Effective March 21, 2005. *NOTE: IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. This document was filed with the secretary of state on June 14, 2005.*

SECTION 1. The purpose of this document is to establish procedures to govern administrative proceedings before the board arising from appeals of assessments of real property in Lake County for the March 1, 2002, assessment date. The definitive procedures, procedural requirements, and evidentiary controls established by this document are deemed essential to assure that the administrative appeals before the board are conducted in the most uniform and objective manner possible.

SECTION 2. (a) The provisions of this document apply to and govern all proceedings before the board that arise from appeals of assessments:

- (1) of real property located in Lake County;
- (2) completed for the March 1, 2002, assessment date; and
- (3) performed by the department of local government finance or the department's authorized contractor pursuant to IC 6-1.1-4-32.

(b) The procedures set forth in 52 IAC 2 apply to petitions filed under IC 6-1.1-15 and do not reflect the unique process of IC 6-1.1-34 (governing appeals from the Lake County reassessment for 2002). However, many of the general rule provisions of 52 IAC 2 are applicable to matters heard under IC 6-1.1-34. Therefore, the definitions and rules found in 52 IAC 2 that are not inconsistent with this document apply to the appeals described in subsection (a). If there is a conflict, the definitions and rules of this document will control.

(c) The provisions of 52 IAC 2-6-6 do not apply to this document.

SECTION 3. The board shall conduct an impartial review of an appeal from a final assessment decision under IC 6-1.1-4-33(g) issued by the department.

SECTION 4. The following definitions apply throughout this document:

- (1) "Appeal petition" means a petition for review of a final assessment decision issued by the department and filed with the board under IC 6-1.1-4-34 on form 139L or such

other form as prescribed by the board.

(2) "Contractor" means a firm that entered into a contract with the department to assess property in the county and to conduct informal hearings concerning assessments of real property in the county under IC 6-1.1-4-32 and IC 6-1.1-4-33.

(3) "County" means Lake County, Indiana.

(4) "Department" means the department of local government finance established under IC 6-1.1-30-1.1.

(5) "Final assessment decision" means a final decision issued by the department that serves as notice of a changed reassessment that may be appealed under IC 6-1.1-4-34(c).

(6) "Final order" or "final determination" means any action of the board that is:

- (A) designated as final by the board;
- (B) the final step in the administrative process before resort may be made to the judiciary; or
- (C) subject to appeal to tax court under IC 6-1.1-4-34(m).

(7) "Informal hearing" means the process described in IC 6-1.1-4-33(b).

(8) "Notice of reassessment" means a written notice of the assessed value of real property delivered to the taxpayer by the department pursuant to IC 6-1.1-4-32(f).

(9) "Special master" means a qualified individual designated by the board under IC 6-1.1-4-34(e) to conduct evidentiary hearings and prepare reports in accordance with IC 6-1.1-4-34(g).

SECTION 5. (a) An appeal petition must be filed with the county assessor within thirty (30) days after the department gives notice of the final assessment decision.

(b) There is a rebuttable presumption that the final assessment decision is mailed on the date of the final assessment decision.

SECTION 6. In order to appeal to the board, the taxpayer must:

- (1) request and participate as required in the informal hearing process under IC 6-1.1-4-33 not later than forty-five (45) days after the date of the notice of reassessment;
- (2) receive a final assessment decision from the department; and
- (3) file an appeal petition with the county assessor not later than thirty (30) days after the notice of the final assessment decision is given to the taxpayer.

SECTION 7. The hearing shall be scheduled no earlier than thirty (30) days after receipt of the appeal petition unless otherwise agreed by the parties.

SECTION 8. (a) Hearings will be conducted by a special master or by a member of the board acting as a special master.

(b) All testimony shall be under oath or affirmation.

(c) Hearings will be tape-recorded. The recording will serve as the basis of the official record of the proceeding unless the hearing is transcribed by a court reporter. A party may hire a court reporting service to transcribe the hearing so long as the reporting service is directed to submit an official copy of the transcript to the board at no cost to the board.

(d) The special master may rule on any nonfinal order without the approval of a majority of the board.

(e) In order for a tax representative to participate in the hearing, the tax representative must be certified by the department and follow the rules of 52 IAC 1.

SECTION 9. (a) Hearings held before a special master shall be held in the county or at such other location as the parties and the designated special master agree.

(b) Hearings held by a member of the board acting as a special master may be held in the central office.

SECTION 10. (a) Except as provided in subsection (d), a party participating in the hearing may introduce evidence that is otherwise proper and admissible without regard to whether that evidence has previously been introduced at the informal hearing described in IC 6-1.1-4-33.

(b) No posthearing submissions will be allowed or accepted unless requested by the board.

(c) The parties shall make available to all other parties copies of any documentary evidence and the names and addresses of all witnesses intended to be presented at the hearing at least five (5) days before the hearing. At the commencement of the hearing, the parties shall make available to the presiding special master a copy of all documentary evidence provided to the other parties.

(d) Failure to comply with subsection (c) may serve as grounds to exclude the evidence.

SECTION 11. A hearing may be continued only upon a showing of extraordinary circumstances.

SECTION 12. (a) The board shall conduct a hearing within the time limits set forth in IC 6-1.1-15-4(f) unless the board extends the time under subsection (c).

(b) The board shall make a final determination within the time limits set forth in IC 6-1.1-15-4(h) unless the board extends the time under subsection (c).

(c) If, due to the volume of pending appeals, it becomes impracticable to either conduct a hearing or make a final determination within the time frames established by IC 6-

1.1-15-4, the board may extend the time frames as necessary.

SECTION 13. (a) The board shall examine each petition filed under SECTION 5 of this document to determine whether it meets the jurisdictional requirements of IC 6-1.1-4-34(c). The board may establish procedures for such examinations, and the procedures may include orders to submit additional information, telephone conferences to clarify information provided, or other proceedings involving the parties as necessary to determine the events surrounding the taxpayer's filing.

(b) If a petitioner fails to respond to an order requesting additional information, or if, after the board has completed its examination, it is determined that the petitioner did not meet the jurisdictional requirements set forth in IC 6-1.1-4-34(c), the board shall dismiss the petition.

SECTION 14. The board may establish procedures to govern the participation of a township assessor or county assessor who wishes to attend or participate in a hearing under IC 6-1.1-4-34(j).

SECTION 15. This document readopts the provisions of LSA Document #05-54(E).

LSA Document #05-172(E)

Filed with Secretary of State: June 14, 2005, 2:00 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #05-158(E)

DIGEST

Temporarily adds rules concerning scratch-off game number 753. Effective June 10, 2005.

SECTION 1. The name of this scratch-off game is "Scratch-Off Game Number 753, \$100,000 Mustang Mania".

SECTION 2. Scratch-off tickets for scratch-off game number 753 shall sell for five dollars (\$5) per ticket.

SECTION 3. (a) Each scratch-off ticket in scratch-off game number 753 shall contain twenty-two (22) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. Two (2) play symbols and play symbol captions shall appear in the area labeled "WINNING NUMBERS". Twenty (20) play symbols and play symbol captions shall appear in the area labeled "YOUR NUMBERS" arranged in pairs representing numbers or pictures and prize amounts.

(b) The play symbols and play symbol captions in scratch-off game number 753, other than those representing prize

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amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) 1
ONE
- (2) 2
TWO
- (3) 3
THR
- (4) 4
FOR
- (5) 5
FIV
- (6) 6
SIX
- (7) 7
SVN
- (8) 8
EGT
- (9) 9
NIN
- (10) 10
TEN
- (11) 11
ELV
- (12) 12
TLV
- (13) 13
TRN
- (14) 14
FRN
- (15) 15
FTN
- (16) 16
SXT
- (17) 17
SVT
- (18) 18
ETN
- (19) 19
NTN
- (20) 20
TWY

(c) The play symbols and play symbol captions representing prize amounts in scratch-off game number 753 shall consist of the following possible play symbols and play symbol captions:

- (1) \$1.00
ONE
- (2) \$2.00
TWO
- (3) \$4.00
FOUR
- (4) \$5.00
FIVE
- (5) \$6.00

- SIX
- (6) \$10.00
TEN
- (7) \$20.00
TWENTY
- (8) \$25.00
TWY FIVE
- (9) \$40.00
FORTY
- (10) \$50.00
FIFTY
- (11) \$500
FIVE HUN
- (12) \$1,000
ONE THOU
- (13) \$100,000
HUN THOU

SECTION 4. The holder of a scratch-off ticket for scratch-off game 753 shall remove the latex material covering the twenty-two (22) play symbols and play symbol captions. If any of "YOUR NUMBERS" match any of the "WINNING NUMBERS" the holder is entitled to the paired prize amount.

SECTION 5. The prize amounts and number of winners in scratch-off game number 753 are as follows:

Number of Matches and Paired Prize Amount Play Symbols	Total Prize Amount	Approximate Number of Winners
5 – \$1.00	\$5	109,200
1 – \$5.00	\$5	62,400
3 – \$2.00	\$6	78,000
1 – \$6.00	\$6	46,800
10 – \$1.00	\$10	31,200
5 – \$2.00	\$10	31,200
2 – \$5.00	\$10	31,200
1 – \$10.00	\$10	15,600
10 – \$2.00	\$20	15,600
5 – \$4.00	\$20	7,800
4 – \$5.00	\$20	7,800
2 – \$10.00	\$20	7,800
1 – \$20.00	\$20	7,800
10 – \$4.00	\$40	2,600
8 – \$5.00	\$40	2,600
4 – \$10.00	\$40	2,600
2 – \$20.00	\$40	975
1 – \$40.00	\$40	975
10 – \$10.00	\$100	650
5 – \$20.00	\$100	650
2 – \$50.00	\$100	650
1 – \$500	\$500	650
1 – \$1,000	\$1,000	130
1 – \$100,000	\$100,000	2

SECTION 6. (a) A total of approximately one million five hundred sixty thousand (1,560,000) scratch-off tickets will be initially available for scratch-off game number 753.

(b) The odds of winning a prize with a scratch-off ticket in scratch-off game number 753 are approximately 1 in 3.36.

(c) All reorders of tickets for scratch-off game number 753 shall have the same:

- (1) prize structure;
 - (2) number of prizes per prize pool of one hundred twenty thousand (120,000); and
 - (3) odds;
- as contained in the initial order.

SECTION 7. Drawing procedures for the second chance drawing for a Mustang are available on the commission's Web site at www.hoosierlottery.com.

SECTION 8. The last day to claim a prize in scratch-off game number 753 is June 30, 2006.

SECTION 9. This document expires July 30, 2006.

LSA Document #05-158(E)

Filed with Secretary of State: June 10, 2005, 4:15 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #05-159(E)

DIGEST

Adds 65 IAC 5-19 concerning the draw game Big Haul Raffle. Effective June 13, 2005.

65 IAC 5-19

SECTION 1. 65 IAC 5-19 IS ADDED TO READ AS FOLLOWS:

Rule 19. Big Haul Raffle

65 IAC 5-19-1 Name

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 1. The name of this draw game is "Big Haul Raffle". *(State Lottery Commission; 65 IAC 5-19-1; emergency rule filed Jun 10, 2005, 4:15 p.m.: 28 IR 3313, eff Jun 13, 2005) NOTE: Agency cited as 65 IAC 5-18-1, which was renumbered by the publisher as 65 IAC 5-19-1.*

65 IAC 5-19-2 Definitions

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 2. (a) The definitions in this section shall apply throughout this rule.

(b) "Big Haul Raffle winning number" means the one (1) unique, eight (8) digit number selected by the commission in a Big Haul Raffle selection event with digits in the exact order of selection.

(c) "Big Haul Raffle selection event" means a drawing or other selection event conducted to determine the Big Haul Raffle winning number.

(d) "Big Haul Raffle ticket" means a draw ticket that is eligible for the prize by virtue of its purchase in the manner defined in section 4(a) of this rule.

(e) "Play" means the set of four (4) unique, sequential eight (8) digit numbers that appear on a valid Big Haul Raffle ticket in the manner defined in section 4(b) of this rule.

(f) "Player" means an eligible person who participates in a Big Haul Raffle selection event by purchasing a Big Haul Raffle ticket and/or claiming the prize.

(g) "Retailer" means a person who sells lottery tickets on behalf of the commission pursuant to a retailer contract.

(h) "Prize" means the prize available to one (1) player who holds a ticket containing the Big Haul Raffle winning number in a Big Haul Raffle selection event. *(State Lottery Commission; 65 IAC 5-19-2; emergency rule filed Jun 10, 2005, 4:15 p.m.: 28 IR 3313, eff Jun 13, 2005) NOTE: Agency cited as 65 IAC 5-18-2, which was renumbered by the publisher as 65 IAC 5-19-2.*

65 IAC 5-19-3 Ticket price and content

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 3. The price of a Big Haul Raffle ticket shall be two dollars (\$2) per ticket. Each Big Haul Raffle ticket shall contain one (1) play consisting of four (4) unique, sequential eight (8) digit numbers and is valid for the Big Haul Raffle selection event following its purchase. No two (2) Big Haul Raffle tickets for a single selection event shall contain any of the same eight (8) digit numbers. *(State Lottery Commission; 65 IAC 5-19-3; emergency rule filed Jun 10, 2005, 4:15 p.m.: 28 IR 3313, eff Jun 13, 2005) NOTE: Agency cited as 65 IAC 5-18-3, which was renumbered by the publisher as 65 IAC 5-19-3.*

65 IAC 5-19-4 Procedure for playing

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 4. (a) A Big Haul Raffle ticket may be purchased by requesting a play, and the retailer shall generate the Big Haul Raffle ticket from the terminal. Only quick pick tickets

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shall be available for purchase in the Big Haul Raffle.

(b) Each play for Big Haul Raffle shall consist of a set of four (4) unique, sequential eight (8) digit numbers.

(c) A Big Haul Raffle ticket is the only valid proof of a play and the only valid receipt for claiming a prize in Big Haul Raffle. There shall be no play slips in Big Haul Raffle. A play slip or any other record of a play shall have no pecuniary or prize value and shall not constitute evidence of purchase of a Big Haul Raffle ticket or a play.

(d) One (1) Big Haul Raffle selection event for each Big Haul Raffle shall be conducted on a date announced in advance by the director. There is no multiple draw opportunity in Big Haul Raffle.

(e) Sales of Big Haul Raffle tickets shall be suspended prior to the time of the Big Haul Raffle selection event at a time determined by the director.

(f) Neither the commission, the director, nor any employee of the commission shall be liable for the inability of any person to purchase a Big Haul Raffle ticket containing a particular play.

(g) The director may, in the director's sole discretion, authorize the generation of draw entry tickets or promotional prizes from terminals with respect to certain purchases of Big Haul Raffle tickets. (State Lottery Commission; 65 IAC 5-19-4; emergency rule filed Jun 10, 2005, 4:15 p.m.: 28 IR 3313, eff Jun 13, 2005) NOTE: Agency cited as 65 IAC 5-18-4, which was renumbered by the publisher as 65 IAC 5-19-4.

65 IAC 5-19-5 Prize amount and determination of winner

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 5. One (1) prize of fifty thousand dollars (\$50,000) and one (1) 2005 Ford F150 FX4 SuperCab with a package of amenities selected by the lottery shall be awarded to the holder of a Big Haul Raffle ticket containing the Big Haul Raffle winning number. An additional prize of two thousand five hundred dollars (\$2,500) worth of or to be used toward gasoline will be awarded to the holder of the ticket containing the Big Haul Raffle winning number only if the ticket was purchased on or before July 4, 2005, or, in any subsequent Big Haul Raffle, on a date announced in advance by the commission. (State Lottery Commission; 65 IAC 5-19-5; emergency rule filed Jun 10, 2005, 4:15 p.m.: 28 IR 3314, eff Jun 13, 2005) NOTE: Agency cited as 65 IAC 5-18-5, which was renumbered by the publisher as 65 IAC 5-19-5.

65 IAC 5-19-6 Determination of winning number

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 6. The commission shall conduct one (1) Big Haul

Raffle selection event from among only those unique, eight (8) digit numbers printed on Big Haul Raffle tickets generated for a selection event. In the event the Big Haul Raffle winning number appears on a ticket that was printed but not purchased, the commission shall make another selection, a process that will continue until a qualifying Big Haul Raffle winning number is selected. There may be one (1) or more additional Big Haul Raffles and corresponding Big Haul Raffle selection events at such times as designated by the director. A selection event shall be under the supervision of security personnel and an independent auditor. (State Lottery Commission; 65 IAC 5-19-6; emergency rule filed Jun 10, 2005, 4:15 p.m.: 28 IR 3314, eff Jun 13, 2005) NOTE: Agency cited as 65 IAC 5-18-6, which was renumbered by the publisher as 65 IAC 5-19-6.

65 IAC 5-19-7 Payment of prize

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30; IC 4-30-18-1

Sec. 7. The monetary portion of the Big Haul Raffle prize shall be paid in a single, lump sum payment less federal and state income withholding taxes and statutory offsets. The commission shall pay federal and state income withholding taxes associated with the vehicle on behalf of the winner. The vehicle shall be provided "as is" and shall have mileage not to exceed one thousand five hundred (1,500) miles (which mileage shall count toward the manufacturer's warranty). The lottery does not warrant or guarantee the condition or operation of the vehicle. (State Lottery Commission; 65 IAC 5-19-7; emergency rule filed Jun 10, 2005, 4:15 p.m.: 28 IR 3314, eff Jun 13, 2005) NOTE: Agency cited as 65 IAC 5-18-7, which was renumbered by the publisher as 65 IAC 5-19-7.

65 IAC 5-19-8 Odds of winning

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 8. The odds of winning the prize in Big Haul Raffle are one (1) in the number of Big Haul Raffle tickets purchased for the associated Big Haul Raffle selection event. (State Lottery Commission; 65 IAC 5-19-8; emergency rule filed Jun 10, 2005, 4:15 p.m.: 28 IR 3314, eff Jun 13, 2005) NOTE: Agency cited as 65 IAC 5-18-8, which was renumbered by the publisher as 65 IAC 5-19-8.

65 IAC 5-19-9 Termination of liability

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 9. All liability of the commission and its members, officers, directors, and employees for any prize terminates upon payment of the prize or upon the expiration of one hundred eighty (180) days after the date of the Big Haul Raffle selection event associated with a Big Haul Raffle ticket. Neither the commission nor its members, officers, directors, or employees shall have any liability for the condition or operation of the vehicle or for any accident,

injury, or death following delivery of the vehicle to the winner. (State Lottery Commission; 65 IAC 5-19-9; emergency rule filed Jun 10, 2005, 4:15 p.m.: 28 IR 3314, eff Jun 13, 2005) NOTE: Agency cited as 65 IAC 5-18-9, which was renumbered by the publisher as 65 IAC 5-19-9.

LSA Document #05-159(E)
Filed with Secretary of State: June 10, 2005, 4:15 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #05-160(E)

DIGEST

Temporarily adds rules concerning scratch-off game number 766. Effective June 10, 2005.

SECTION 1. The name of this scratch-off game is "Scratch-Off Game Number 766, Stars and Stripes".

SECTION 2. Scratch-off tickets in scratch-off game number 766 shall sell for two dollars (\$2) per ticket.

SECTION 3. (a) Each scratch-off ticket in scratch-off game number 766 shall contain twenty-two (22) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. Two (2) play symbols and play symbol captions shall appear in the area labeled "WINNING NUMBERS". Twenty (20) play symbols and play symbol captions shall appear in the area labeled "YOUR NUMBERS" and be arranged in pairs representing numbers or pictures and prize amounts.

(b) The play symbols and play symbol captions in instant game number 766, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) 1
ONE
- (2) 2
TWO
- (3) 3
THR
- (4) 4
FOR
- (5) 5
FIV
- (6) 6
SIX
- (7) 7
SVN
- (8) 8
EGT
- (9) 9

- NIN
- (10) 10
TEN
- (11) 11
ELVN
- (12) 12
TWLV
- (13) 13
THRTN
- (14) 14
FORTN
- (15) 15
FIFTN
- (16) 16
SIXTN
- (17) 17
SVNTN
- (18) 18
EGHTN
- (19) 19
NINTN
- (20) 20
TWTY
- (21) An American Flag
WIN ALL
- (22) A Bell
AUTO

(c) The play symbols representing prize amounts shall consist of the following possible play symbols:

- (1) \$1.00
ONE
- (2) \$2.00
TWO
- (3) \$3.00
THREE
- (4) \$4.00
FOUR
- (5) \$5.00
FIVE
- (6) \$7.00
SEVEN
- (7) \$10.00
TEN
- (8) \$15.00
FIFTEEN
- (9) \$15.00
FIFTEEN
- (10) \$20.00
TWENTY
- (11) \$30.00
THIRTY
- (12) \$50.00
FIFTY
- (13) \$100.00
ONE HUN

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- (14) \$500
FIV HUN
- (15) \$1,000
ONE THOU
- (16) \$10,000
TEN THOU

SECTION 4. The holder of a ticket in scratch-off game number 766 shall remove the latex material covering the twenty-two (22) play symbols and play symbol captions. If one (1) or more of "YOUR NUMBERS" match either of the "WINNING NUMBERS", the holder is entitled to the prize amount paired with the matched number. If the play symbol of a picture of a bell with the play symbol caption "AUTO" is paired with a play symbol in the "YOUR NUMBERS" area, the holder is automatically entitled to the paired prize amount. If the play symbol of a picture of an American flag with the play symbol caption "WIN ALL" is paired with a play symbol in the "YOUR NUMBERS" area, the holder is automatically entitled to the total of all ten (10) prizes on the ticket. The prize amounts and number of winners in scratch-off game number 766 are as follows:

Matched Play Symbols	Prize Amount	Approximate Number of Winners
1 - \$2.00	\$2	172,000
1 - \$4.00	\$4	144,000
1 - \$2.00 + 1 - \$3.00	\$5	38,400
1 - \$5.00	\$5	19,200
10 - \$1.00 + Flag	\$10	9,600
5 - \$2.00	\$10	4,800
1 - \$3.00 + 1 - \$7.00	\$10	4,800
1 - \$10.00	\$10	4,800
10 - \$2.00 + Flag	\$20	4,800
1 - \$5.00 + 1 - \$15.00	\$20	2,400
1 - \$20.00	\$20	2,400
10 - \$5.00 + Flag	\$50	6,400
5 - \$10.00	\$50	1,600
1 - \$50.00	\$50	1,600
10 - \$10.00 + Flag	\$100	1,408
2 - \$50.00	\$100	480
1 - \$10.00 + 1 - \$30.00 + 3 - \$20.00	\$100	480
1 - \$100	\$100	480
4 - \$100	\$400	96
5 - \$100 + 1 - \$500	\$1,000	16
10 - \$100 + Flag	\$1,000	16
10 - \$1,000 + Flag	\$10,000	2
1 - \$10,000	\$10,000	2

SECTION 5. (a) There shall be approximately two million (2,000,000) scratch-off tickets initially available in scratch-off game number 766.

(b) The odds of winning a prize in scratch-off game number 766 are approximately 1 in 4.57.

(c) All reorders of tickets for scratch-off game number 766 shall have the same:

- (1) prize structure;
- (2) number of prizes per prize pool of one hundred twenty thousand (120,000); and
- (3) odds;

as contained in the initial order.

SECTION 6. The last day to claim a prize in scratch-off game number 766 is June 30, 2006.

SECTION 7. This document expires July 30, 2006.

LSA Document #05-160(E)

Filed with Secretary of State: June 10, 2005, 4:15 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #05-169(E)

DIGEST

Temporarily adds rules concerning scratch-off game number 760. Effective June 10, 2005. *NOTE: IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. This document was filed with the secretary of state on June 13, 2005.*

SECTION 1. The name of this scratch-off game is "Scratch-Off Game Number 760, 21 Tripler".

SECTION 2. Scratch-off tickets in scratch-off game number 760 shall sell for one dollar (\$1) per ticket.

SECTION 3. (a) Each scratch-off ticket in scratch-off game number 760 shall contain twelve (12) play symbols and play symbol captions all concealed under a large spot of latex material. The twelve (12) play symbols and play symbols [*sic., symbol*] captions shall be arranged in a matrix of three (3) rows and four (4) columns. The rows shall be separate and independent games labeled "LINE 1", "LINE 2", and "LINE 3", respectively. The fourth column shall be labeled "PRIZE".

(b) The play symbols and play symbol captions, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) 1
ONE
- (2) 2
TWO
- (3) 3

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- THR
- (4) 4
FOR
- (5) 5
FIV
- (6) 6
SIX
- (7) 7
SVN
- (8) 8
EGT
- (9) 9
NIN
- (10) 10
TEN
- (11) 11
ELVN
- (12) 12
TWLV
- (13) 13
THRTN
- (14) 14
FORTN
- (15) 15
FIFTN

- (c) The play symbols and play symbol captions representing prize amounts shall consist of the following possible play symbols and play symbol captions:
 - (1) \$1.00
ONE
 - (2) \$2.00
TWO
 - (3) \$5.00
FIVE
 - (4) \$10.00
TEN
 - (5) \$15.00
FIFTEEN
 - (6) \$20.00
TWENTY
 - (7) \$25.00
TWY FIVE
 - (8) \$50.00
FIFTY
 - (9) \$100
ONE HUN
 - (10) \$500
FIVE HUN
 - (11) \$2,100
TWN HUN

SECTION 4. The holder of a ticket in scratch-off game number 760 shall remove the latex material covering the twelve (12) play symbols and play symbol captions. If a play symbol and play symbol caption representing the number

“7” is exposed in a line, the holder wins the prize amount shown for that line. If two (2) play symbols and play symbol captions representing the number “7” are exposed in a line, the holder wins double the prize amount shown for that line. If three (3) play symbols and play symbol captions representing the number “7” are exposed in a line, the holder win [*sic., wins*] triple the prize amount shown for that line. The prize amounts and number of winners in scratch-off game number 760 are as follows:

Number of Winning Rows and Prize Pay [<i>sic.</i>]	Prize Amount	Approximate Number of Winners
Symbol		
1 – \$1.00	\$1	940,000
1 – \$1.00 (D)	\$2	80,000
1 – \$2.00	\$2	80,000
1 – \$1 (T)	\$3	40,000
1 – \$5	\$5	40,000
1 – \$5 (D)	\$10	40,000
1 – \$10	\$10	20,000
3 – \$5.00	\$15	20,000
1 – \$10.00 (D)	\$20	10,000
2 – \$10.00	\$20	5,000
1 – \$20.00	\$20	5,000
1 – \$10.00 + 1 – \$15.00	\$25	6,250
1 – \$25.00	\$25	5,000
1 – \$10.00 (T)	\$30	1,750
1 – \$15.00 (D)	\$30	1,750
1 – \$25.00 (D)	\$50	1,250
1 – \$50.00	\$50	1,250
2 – \$50.00	\$100	625
1 – \$100	\$100	625
1 – \$500	\$500	125
1 – \$2,100	\$2,100	25

SECTION 5. (a) There shall be approximately six million (6,000,000) scratch-off tickets initially available in scratch-off game number 760.

(b) The odds of winning a prize in scratch-off game number 760 are approximately 1 in 4.62.

(c) All reorders of tickets for scratch-off game number 760 shall have the same:

- (1) prize structure;
- (2) number of prizes per prize pool of two hundred forty thousand (240,000); and
- (3) odds;

as contained in the initial order.

SECTION 6. The last day to claim a prize in scratch-off game number 760 is June 30, 2006.

SECTION 7. This document expires July 31, 2006.

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LSA Document #05-169(E)

Filed with Secretary of State: June 13, 2005, 2:15 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #05-170(E)

DIGEST

Temporarily adds rules concerning instant game number 762. Effective June 10, 2005. *NOTE: IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. This document was filed with the secretary of state on June 13, 2005.*

SECTION 1. The name of this instant game is "Instant Game Number 762, Wild 8's".

SECTION 2. Instant tickets in instant game number 762 shall sell for two dollars (\$2) per ticket.

SECTION 3. (a) Each instant ticket in instant game number 762 shall contain thirty-two (32) play symbols and play symbol captions arranged among eight (8) separate and independent games all concealed under a spot of latex material. The games shall be labeled "GAME 1", "GAME 2", "GAME 3", "GAME 4", "GAME 5", "GAME 6", "GAME 7", and "GAME 8", respectively. Each game shall contain three (3) play symbols and play symbol captions representing numbers and one (1) play symbol and play symbol caption representing a prize amount.

(b) The play symbols and play symbol captions in instant game number 762, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) 1
ONE
- (2) 2
TWO
- (3) 3
THR
- (4) 4
FOR
- (5) 5
FIV
- (6) 6
SIX
- (7) 7
SVN
- (8) 8
EGT
- (9) 9
NIN
- (10) 10

- TEN
- (11) 11
ELV
- (12) 12
TLV
- (13) 13
TRT
- (14) 14
FRN
- (15) 15
FTN
- (16) 16
SXT
- (17) 17
SVT
- (18) 19
NTN
- (20) 88
DBL

(c) The play symbols representing prize amounts shall consist of the following possible play symbols:

- (1) \$2.00
TWO
- (2) \$3.00
THREE
- (3) \$4.00
FOUR
- (4) \$5.00
FIVE
- (5) \$10.00
TEN
- (6) \$20.00
TWENTY
- (7) \$25.00
TWY FIVE
- (8) \$50.00
FIFTY
- (9) \$100
ONE HUN
- (10) \$200
TWO HUN
- (11) \$800
EGT HUN
- (12) \$1,000
ONE THOU
- (13) \$16,000
SXN THOU

SECTION 4. The holder of a ticket in scratch-off game number 762 shall remove the latex material covering the thirty-two (32) play symbols and play symbol captions. If one (1) play symbol and play symbol caption representing the number "8" is exposed in one (1) or more games, the holder is entitled to the corresponding prize amount(s). If one (1) play symbol and play symbol caption representing

the number "88" is exposed in one (1) or more games, the holder is entitled to double the corresponding prize amount(s). The prize amounts and number of winners in scratch-off game number 762 are as follows:

Matched Play Symbols	Prize Amount	Approximate Number of Winners
1 - \$2.00	\$2	240,000
1 - \$2.00 with "88"	\$4	180,000
1 - \$4.00	\$4	30,400
1 - \$2.00 + 1 - \$3.00	\$5	45,000
1 - \$5.00	\$5	45,000
5 - \$2.00	\$10	7,500
2 - \$5.00	\$10	7,500
1 - \$5.00 with "88"	\$10	37,500
1 - \$10.00	\$10	7,500
1 - \$5.00 with "88" + 1 - \$5.00	\$15	22,500
5 - \$3.00	\$15	7,500
4 - \$5.00	\$20	7,500
5 - \$4.00	\$20	3,750
1 - \$5.00 with "88" + 1 - \$10.00	\$20	15,000
1 - \$20.00	\$20	3,750
1 - \$25.00 with "88"	\$50	1,250
1 - \$10.00 + 1 - \$20.00 with "88"	\$50	2,500
1 - \$50.00	\$50	1,250
1 - \$50.00 + 1 - \$25.00 with "88"	\$100	250
1 - \$50.00 with "88"	\$100	250
2 - \$50.00	\$100	125
1 - \$100	\$100	125
2 - \$400	\$800	25
1 - \$800	\$800	25
1 - \$100 + 1 - \$50.00 with "88" + 1 - \$50.00 with "88"	\$800	50
1 - \$1,000	\$1,000	4
1 - \$16,000	\$16,000	4

SECTION 5. (a) There shall be approximately three million (3,000,000) scratch-off tickets initially available in scratch-off game number 762.

(b) The odds of winning a prize in scratch-off game number 762 are approximately 1 in 4.51.

(c) All reorders of tickets for scratch-off game number 762 shall have the same:

- (1) prize structure;
 - (2) number of prizes per prize pool of one hundred twenty thousand (120,000); and
 - (3) odds;
- as contained in the initial order.

SECTION 6. The last day to claim a prize in scratch-off game number 762 is June 30, 2006.

SECTION 7. This document expires July 30, 2006.

LSA Document #05-170(E)

Filed with Secretary of State: June 13, 2005, 2:15 p.m.

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #05-173(E)

DIGEST

Temporarily amends 312 IAC 9 with respect to the taking of lizards at Falls of the Ohio State Park and the adjacent federal Falls of the Ohio Wildlife Conservation Area. Under IC 4-22-2-37.1, IC 14-22-2-6, and IC 14-10-2-5, the director of the department of natural resources adopts the temporary rule set forth in this document. The temporary rule is adopted with the awareness that regulation of wild animals in Indiana is the responsibility of the department of natural resources. The director is responsible for adopting temporary rules under IC 14-22-2-6 to manage wild animals in Indiana or in a designated part of Indiana. In addition, the director is responsible for controlling wild animals in a state park. Based upon the opinion of a professional biologist, the director has determined the European wall lizard (*Podarcis muralis*) will cause obvious and measurable damage to the ecological balance at Falls of the Ohio State Park. The ecological balance will not be maintained unless action is taken to control the population of the European wall lizard at the Falls of the Ohio State Park and at the adjacent federal Falls of the Ohio Wildlife Conservation Area. Native species of lizards and skinks are at risk of displacement by the European wall lizard, and other disruption of the ecological balance in this area is probable. Additionally, unless controlled, the European wall lizard is likely to expand its range and endanger the ecological balance at other sites in Indiana and elsewhere in the United States. Effective June 16, 2005.

SECTION 1. (a) Notwithstanding 312 IAC 9-2-11, 312 IAC 8-2, and any other provision governing taking of a wild animal in a state park or otherwise in Indiana, an individual qualified under this SECTION may take any European wall lizard (*Podarcis muralis*) from the Falls of the Ohio State Park and the adjacent federal Falls of the Ohio Wildlife Conservation Area, Clarksville, Indiana.

(b) In order to qualify under subsection (a), an individual must do each of the following:

- (1) Possess a written authorization from the division of state parks.
- (2) Comply with any terms in the written authorization. These terms shall include a requirement that a European

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wall lizard can be taken only with an approved trap or traps.

(3) For the federal Falls of the Ohio Wildlife Conservation Area, comply with any other terms in the written authorization that are required by the U.S. Army Corps of Engineers.

LSA Document #05-173(E)

Filed with Secretary of State: June 16, 2005, 8:45 a.m.

**TITLE 405 OFFICE OF THE SECRETARY OF
FAMILY AND SOCIAL SERVICES**

LSA Document #04-321

Under IC 12-8-3-4.4, LSA Document #04-321, printed at 28 IR 2196, was adopted by the Secretary of Family and Social Services Administration on June 13, 2005. This rule adds 405 IAC 1-1-3.1 to specify the responsibilities of Medicaid providers when providing services to members enrolled under the Medicaid spend-down provision, and amends 405 IAC 2-3-10 to set out the policies and procedures that apply to Medicaid spend-down eligibility. Effective 30 days after filing with the secretary of state. The rule that was adopted is a different version than the proposed rule, which was published in the Indiana Register on April 1, 2005.

Change in Notice of Public Hearing

TITLE 710 SECURITIES DIVISION

LSA Document #05-46

The Securities Division gives notice that the date of the public hearing for LSA Document #05-46, printed at 28 IR 3008, has been changed. The changed Notice of Public Hearing appears below:

Notice of Public Hearing

*Under IC 4-22-2-24, notice is hereby given that on **August 25, 2005 at 2:00 p.m.**, at the Indiana Government Center-South, 302 West Washington Street, Room E111, the Securities Division will hold a public hearing on a proposed amendment of 710 IAC 1-14-6 to remove the requirement that the branch office of a broker-dealer be located within 40 miles of a supervisory office and to establish new procedures for regulating branch offices.*

Although this rule imposes new requirements on the broker-dealer to regulate branches and employees, the net effect of the rule will be a significant reduction in costs to the broker-dealer because of no longer having to maintain a supervisory office within 40 miles of every branch office.

Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E111 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

O. Wayne Davis, Commissioner
Securities Division
Secretary of State

TITLE 710 SECURITIES DIVISION

LSA Document #05-81

The Securities Division gives notice that the date of the public hearing for LSA Document #05-81, printed at 28 IR 3009, has been changed. The changed Notice of Public Hearing appears below:

Notice of Public Hearing

*Under IC 4-22-2-24, notice is hereby given that on **August 25, 2005 at 10:00 a.m.**, at the Indiana Government Center-South, 302 West Washington Street, Room E111, Indianapolis, Indiana, the Securities Division will hold a public hearing on a proposed rule to establish definitions, phrases, and standards for loan brokers.*

Although this rule creates new requirements for loan brokers, the standards are necessary to address regulatory concerns.

Copies of these rules are now on file at Indiana Government Center-South, 302 West Washington Street, Room E111 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

O. Wayne Davis, Commissioner
Securities Division
Secretary of State

TITLE 68 INDIANA GAMING COMMISSION

LSA Document #05-198

Under IC 4-22-2-23, the Indiana Gaming Commission intends to adopt a rule concerning the following:

OVERVIEW: Amends 68 IAC 5 in order to address current regulatory issues related to (1) the transfer of a five percent or more ownership interest in a riverboat owner license, supplier license, or operating agent contract; and (2) debt acquisition by riverboat licensees, operating agents, applicants, or affiliates thereof. Public comments are invited. Questions concerning the rule may be directed to: (317) 233-0046 or e-mailed to psicuso@igc.state.in.us. Statutory authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-5; IC 4-33-4-21; IC 4-33-6.5-12.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Philip A. Sicuso
Chief Legal Counsel
Indiana Gaming Commission
South Tower, Suite 950
115 W. Washington Street
Indianapolis, Indiana 46204
(317) 233-0046
psicuso@igc.state.in.us

periods for taped or digitally recorded coverage; retention periods for logs and reports; minimum requirements for activity logs and visitors' logs; requirements for surveillance department incident reports; maintenance and malfunctions of equipment; emergency procedures including required backup equipment; submission and approval of surveillance plans to the Commission; surveillance of employees; duties and responsibilities of the chief of surveillance and surveillance occupational licensees; violations of rule; waiver of requirements; and reports by the executive director. Public comments are invited. Questions concerning the rule may be directed to the following telephone number: (317) 233-0046 or e-mailed to psicuso@igc.state.in.us. Statutory authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-5.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Jennifer Chelf
Director of Compliance
Indiana Gaming Commission
115 West Washington Street
South Tower, Suite 950
Indianapolis, IN 46204
(317) 233-0043
jchelf@igc.state.in.us

TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH

LSA Document #05-177

Under IC 4-22-2-23, the Indiana State Board of Animal Health intends to adopt a rule concerning the following:

OVERVIEW: The rule will amend 345 IAC 2.5-3-2, as added in 28 IR 2679, to reduce from six (6) months to sixty (60) days the period following a whole herd test for tuberculosis during which animals may be moved into the state from modified accredited or accreditation preparatory states or zones without an individual tuberculin test. The rule will make other technical changes in the law of tuberculosis control. The proposed changes are a response to changes in federal regulations, 70 Fed. Reg. 29579 (2005). Comments on the proposed rule may be sent to the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50, Indianapolis, IN 46224, or by electronic mail to ghaynes@boah.state.in.us. Statutory authority: IC 15-2.1-3-19.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Gary L. Haynes
Director of Legal Affairs
805 Beachway Drive, Suite 50
Indianapolis, IN 46224
(317)227-0300
ghaynes@boah.state.in.us

TITLE 68 INDIANA GAMING COMMISSION

LSA Document #05-199

Under IC 4-22-2-23, the Indiana Gaming Commission intends to adopt a rule concerning the following:

OVERVIEW: Amends 68 IAC 12-1, which outlines general provisions for surveillance systems required to be maintained and utilized by Indiana's riverboat casinos. Adds new provisions and amends existing provisions of 68 IAC 12-1 in order to detail the minimum requirements for the use of digital surveillance technology by riverboat licensees and operating agents. Adds or amends language in 68 IAC 12-1 to specify that 68 IAC 12-1 applies to operating agents. Adds new rules or amends existing provisions of 68 IAC 12-1 to update existing regulations to conform to changes in industry standards and changes in regulatory necessity, including, but not limited to, changes to the following aspects of the Commission's regulation of surveillance systems at riverboat casinos whether they relate to digital or analog surveillance systems: definitions; surveillance room specifications; required surveillance equipment; general requirements for required surveillance coverage; specification of scope and breadth of areas that riverboat casinos must cover with the surveillance system; minimum requirements for surveillance systems; minimum specifications for videotapes and digitally recorded coverage; retention

Notice of Intent to Adopt a Rule

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #05-195

Under IC 4-22-2-23, the Office of the Secretary of Family and Social Services intends to adopt a rule concerning the following:

OVERVIEW: Amends 405 IAC 2 to add provisions relating to Medicaid eligibility of an individual who resides in a nursing facility or other medical institution, or who receives services under a home and community based services waiver, and who has a spouse who does not receive Medicaid-covered institutional or home and community based services (a “community spouse”). Specifies the method used to calculate the amount of resources necessary to provide income to the community spouse to raise the community spouse’s income to the minimum monthly needs allowance. Specifies the criteria for determining when the minimum monthly needs allowance may be increased due to exceptional circumstances resulting in significant financial duress. Questions or comments concerning the proposed rules may be directed to: Indiana Office of Medicaid Policy and Planning, attn: Michael Staresnick, 402 W. Washington Street, Room W382, Indianapolis, Indiana 46204. Statutory authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-2-24; IC 12-15-2-25.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Michael Staresnick
Office of Medicaid Policy and Planning
402 W. Washington St., Rm. W382
Indianapolis, IN 46204
(317) 232-2121
mike.staresnick@fssa.in.gov

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #05-200

Under IC 4-22-2-23, the Office of the Secretary of Family and Social Services intends to adopt a rule concerning the following:

OVERVIEW: Amends 405 IAC 1-11.5-2 to define the reimbursement methodology for a certified physical therapist’s assistant. Amends 405 IAC 5-22-8 to revise supervision requirements for certified physical therapist’s assistants. The rule clarifies that a certified physical therapist’s assistant may provide services under the direct supervision of a licensed physical therapist or physician, but the licensed physical therapist or physician is not required to be on-site. Statutory authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3.

For purposes of IC 4-22-2-28.1, the Small Business Regula-

tory Coordinator for this rule is:

Kate Bowen
Program Operations - Acute Care
Office of Medicaid Policy and Planning
Indiana Government Center-South
402 West Washington Street, Room W382
Indianapolis, IN 46204
(317) 233-1662
kate.bowen@fssa.in.gov

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #05-189

Under IC 4-22-2-23, the Indiana State Department of Health intends to adopt a rule concerning the following:

OVERVIEW: Add rules regarding the reporting, monitoring, and preventive procedures to protect from lead poisoning. The rules will also establish requirements for case management of a child with lead poisoning and delete the reporting and other requirements for blood lead levels from 410 IAC 1-2.3. Written comments may be submitted to the Indiana State Department of Health, Community and Family Health Services Commission, 2 North Meridian Street, #8C, Indianapolis, Indiana 46204. Statutory authority: IC 16-41-39.4-1.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Maria Larson
Indiana State Department of Health
2 North Meridian Street, 5J
Indianapolis, Indiana 46204
(317) 233-1293
mlarson@isdh.state.in.us

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #05-190

Under IC 4-22-2-23, the Indiana State Department of Health intends to adopt a rule concerning the following:

OVERVIEW: The rule will regulate who may operate a radiation machine and what level of training and experience the operator must have. Written comments may be submitted to the Indiana State Department of Health, Health Care Regulatory Services, 2 North Meridian Street, Indianapolis, Indiana 46204. Statutory authority: IC 16-41-35-29.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Notice of Intent to Adopt a Rule

Terry Whitson
Indiana State Department of Health
2 North Meridian Street, 5A
Indianapolis, Indiana 46204
(317) 233-7022
twhitson@isdh.state.in.us

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #05-191

Under IC 4-22-2-23, the Indiana State Department of Health intends to adopt a rule concerning the following:

OVERVIEW: The rule will establish a licensure program for personal services agencies including the procedures for issuing, renewing, denying, or revoking a personal services agency license, investigating a complaint against a personal services agency, and the collection of fees required by IC 16-27-4. Written comments may be submitted to the Indiana State Department of Health, Health Care Regulatory Services, 2 North Meridian Street, Indianapolis, Indiana 46204. Statutory authority: IC 16-27-4-20.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Terry Whitson
Indiana State Department of Health
2 North Meridian Street, 5A
Indianapolis, Indiana 46204
(317) 233-7022
twhitson@isdh.state.in.us

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #05-192

Under IC 4-22-2-23, the Indiana State Department of Health intends to adopt a rule concerning the following:

OVERVIEW: The rule will establish reporting of any death or serious complication of a patient by physicians who perform a surgical treatment for the treatment of morbid obesity. Written comments may be submitted to the Indiana State Department of Health, Health Care Regulatory Services, 2 North Meridian Street, Indianapolis, Indiana 46204. Statutory authority: IC 16-40-3-5.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Joe Hunt
Indiana State Department of Health
2 North Meridian Street, 5A
Indianapolis, Indiana 46204
(317) 233-7524
jhunt@isdh.state.in.us

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #05-193

Under IC 4-22-2-23, the Indiana State Department of Health intends to adopt a rule concerning the following:

OVERVIEW: Add rules to require hospitals to implement a medical errors reporting system and report medical errors reporting data to the department. Written comments may be submitted to the Indiana State Department of Health, Community and Family Health Services Commission, 2 North Meridian Street, #8C, Indianapolis, Indiana 46204. Statutory authority: IC 16-21-1-7; IC 16-40-4-9.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Sue Uhl
Indiana State Department of Health
2 North Meridian Street, 3A
Indianapolis, Indiana 46204
(317) 233-7400
suhl@isdh.state.in.us

TITLE 470 DIVISION OF FAMILY RESOURCES

NOTE: Under P.L.234-2005, SECTION 197, the name of the Division of Family and Children is changed to the Division of Family Resources, effective July 1, 2005.

LSA Document #05-201

Under IC 4-22-2-23, the Division of Family Resources intends to adopt a rule concerning the following:

OVERVIEW: Amends 470 IAC 3.1 to clarify and revise the language of the rule to comply with new federal legislation (Public Law 108-446) and state legislation (Public Laws 234-2005 and 246-2005). Additionally, amends 470 IAC 3.1-1-18 and 470 IAC 3.1-3 to redefine the "LPCC" to reflect a regional planning and coordination group instead of a county-based group; amends 470 IAC 3.1-7 to revise the definition of eligibility; amends 470 IAC 3.1-10 to revise the process to designate a service coordinator; amends 470 IAC 3.1-12 to clarify when third party payors may be billed for early intervention services; and amends 470 IAC 3.1-15-10 to comply with federal regulations (34 CFR 303.425). Repeals 470 IAC 3.1-7-3 to remove the biologically at-risk category as eligible for early intervention services. This rule originally established a comprehensive system of early intervention services for eligible infants and toddlers with disabilities and their families. Statutory authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17.

For purposes of IC 4-22-2-28.1, the Small Business

Notice of Intent to Adopt a Rule

Regulatory Coordinator for this rule is:

Lora Miller
Indiana Government Center-South
402 West Washington Street
Indianapolis, Indiana 46204
(317) 234-2250
lora.miller@fssa.in.gov

Amy Strati, Chief Counsel
Department of Insurance
311 W. Washington Street
Indianapolis, IN 46204
(317) 232-0143
astrati@doi.state.in.us

TITLE 570 INDIANA COMMISSION ON PROPRIETARY EDUCATION

LSA Document #05-178

Under IC 4-22-2-23, the Indiana Commission on Proprietary Education intends to adopt a rule concerning the following:

OVERVIEW: To amend 570 IAC to make technical corrections, to add provisions for the approval of associate level degree programs, to add provisions for student refund policy requirements related to programs of less than 120 clock hours in duration. Written comments should be addressed to Rebecca Carter, Director of Regulatory Compliance, Indiana Commission on Proprietary Education, Indiana Government Center-South, 302 West Washington Street, Room E201, Indianapolis, IN 46204. Statutory authority: IC 20-12-76-13(c).

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Rebecca Carter
Director of Regulatory Compliance
Indiana Commission on Proprietary Education
Indiana Government Center-South
302 West Washington Street, Room E201
Indianapolis, IN 46204
(317) 232-1328
rcarter@cpe.in.gov

TITLE 760 DEPARTMENT OF INSURANCE

LSA Document #05-196

Under IC 4-22-2-23, the Department of Insurance intends to adopt a rule concerning the following:

OVERVIEW: To provide registration, financial, actuarial, and operational requirements and fees for professional employee organizations and to otherwise implement IC 27-16. Written comments should be addressed to Amy Strati, Chief Counsel, Department of Insurance, 311 W. Washington Street, Indianapolis, IN 46204. Statutory authority: IC 27-16-4-7; IC 27-16-5-4; IC 27-16-5-6; IC 27-16-8-4.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

TITLE 832 STATE BOARD OF FUNERAL AND CEMETERY SERVICE

LSA Document #05-179

Under IC 4-22-2-23, the State Board of Funeral and Cemetery Service intends to adopt a rule concerning the following:

OVERVIEW: Amends 832 IAC 2-1-2 concerning the fee schedule based upon SEA 139 (P.L.194-2005). Amends 832 IAC 4-2-1 concerning reinstatement of an expired license. Amends 832 IAC 4-2-2 concerning continuing education requirements for license reinstatement. Amends 832 IAC 4-2-4 concerning license renewal. Repeals 832 IAC 3-3-3 concerning temporary permit exceptions for reciprocal applicants. Questions or comments concerning the proposed rules may be directed to: Indiana Professional Licensing Agency, Attn.: Board Director, State Board of Funeral and Cemetery Service, Indiana Government Center-South, 402 West Washington Street, Room W072, Indianapolis, IN 46204-2700 or via e-mail at pla12@pla.state.in.us. Statutory authority: IC 25-1-8-2; IC 25-1-8-7 (as added by SEA 139, P.L.194-2005); IC 25-15-6-2; IC 25-15-6-4; IC 25-15-6-6; IC 25-15-9-8; IC 25-15-9-9.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Tracy Hicks
Indiana Professional Licensing Agency
402 West Washington Street, Room W072
Indianapolis, Indiana 46204
(317) 234-3052
thicks@pla.in.gov

TITLE 852 INDIANA OPTOMETRY BOARD

LSA Document #05-184

Under IC 4-22-2-23, the Indiana Optometry Board intends to adopt a rule concerning the following:

OVERVIEW: Amends 852 IAC 1-12-1 concerning duties of optometrists to designate the manner and circumstances of use of the title "optometrist" and its abbreviation in conjunction with their name. Questions or comments concerning the proposed rules may be directed to: Indiana Professional Licensing Agency, Indiana Optometry Board, Attn.: Board Director, Indiana Government

Center-South, 402 West Washington Street, Room W072, Indianapolis, IN 46204-2700 or via e-mail at pla8@pla.state.in.us. Statutory authority: IC 25-24-1-1.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator is:

Cindy A. Vaught
Indiana Professional Licensing Agency
402 West Washington Street, Room W072
Indianapolis, Indiana 46204
(317) 234-2054
cvaught@pla.in.gov

**TITLE 888 INDIANA BOARD OF VETERINARY
MEDICAL EXAMINERS**

LSA Document #05-185

Under IC 4-22-2-23, the Indiana Board of Veterinary Medical Examiners intends to adopt a rule concerning the following:

OVERVIEW: Adds 888 IAC 1.1-5-3 to define practitioner and to establish the requirements to report substance abuse or psychiatric impairment of a veterinarian or veterinary technician to the Board. Questions or comments concerning the proposed rules may be directed to: Indiana Professional Licensing Agency, Indiana Board of Veterinary Medical Examiners, Attn.: Board Director, Indiana Government Center-South, 402 West Washington Street, Room W072, Indianapolis, IN 46204-2700 or via e-mail at pla8@pla.state.in.us. Statutory authority: IC 15-5-1.1-8.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator is:

Cindy A. Vaught
Indiana Professional Licensing Agency
402 West Washington Street, Room W072
Indianapolis, Indiana 46204
(317) 234-2054
cvaught@pla.in.gov

Proposed Rules

TITLE 25 INDIANA DEPARTMENT OF ADMINISTRATION

Proposed Rule
LSA Document #05-123

DIGEST

Adds 25 IAC 6 to establish rules regulating the registration of executive branch lobbyists. Effective 30 days after filing with the secretary of state.

25 IAC 6

SECTION 1. 25 IAC 6 IS ADDED TO READ AS FOLLOWS:

ARTICLE 6. EXECUTIVE BRANCH LOBBYISTS

Rule 1. Definitions

25 IAC 6-1-1 Definitions

Authority: IC 4-13-1-4.2

Affected: IC 4-2-6-1; IC 4-21.5-2-4; IC 4-21.5-2-6; IC 4-22-2-3; IC 5-16; IC 8-23; IC 20-12-0.5-1

Sec. 1. The following definitions apply throughout this article:

- (1) "Agency" has the meaning set forth in IC 4-2-6-1.
- (2) "Business relationship" means any of the following:
 - (A) A relationship defined in IC 4-2-6-1.
 - (B) A registered executive branch lobbyist.
 - (C) A person who is engaged in executive branch lobbying without having filed a registration statement required by 25 IAC 6-2-1.
- (3) "Communication" means the exchange of any thoughts, messages, or information by:
 - (A) contact in person;
 - (B) telephone;
 - (C) letter;
 - (D) telegraph;
 - (E) facsimile;
 - (F) electronic mail;
 - (G) text messaging; or
 - (H) any other form of electronic transmission of information.
- (4) "Department" means the Indiana department of administration.
- (5) "Employer" means the person that principally employs the executive branch lobbyist. The term does not include an organization that only retains or contracts with an executive branch lobbyist and does not directly employ that executive branch lobbyist.
- (6) "Engage" or "engagement" means any arrangement whereby a person receives economic consideration, in the form of salary, retainer, compensation, or other fee, for or on behalf of any employer or real party in interest to:

- (A) influence an executive branch action; or
 - (B) conduct any executive branch lobbying activity.
- (7) "Executive branch action" means a decision of an agency regarding either of the following:
- (A) The expenditure of state funds with respect to the award of:
 - (i) a contract;
 - (ii) a lease; or
 - (iii) any other financial arrangement;under which such funds are distributed or allocated.
 - (B) The:
 - (i) proposal;
 - (ii) drafting;
 - (iii) development;
 - (iv) consideration;
 - (v) promulgation;
 - (vi) amendment;
 - (vii) repeal; or
 - (viii) rejection;by any agency of a rule as defined by IC 4-22-2-3(b).
- (8) "Executive branch lobbying activity" means action or communication made to promote, oppose, or otherwise influence the outcome of an executive branch action. The term does not include any of the following:
- (A) The application or negotiation of an award for any state or federal grant.
 - (B) The resolution of any outstanding tax matter, including:
 - (i) audits;
 - (ii) administrative appeals;
 - (iii) claims for refund; or
 - (iv) collection activity;with the department of state revenue.
 - (C) Communication regarding the award of incentives related to an economic development project negotiated by the Indiana economic development corporation.
 - (D) Paid advertising communications that are disseminated to the public by any of the following:
 - (i) Radio.
 - (ii) Television.
 - (iii) A newspaper or periodical of general circulation.
 - (E) Addresses to audiences of more than twenty-five (25) agency employees, officers, or special state appointees that are open to the public.
 - (F) Public or private testimony or communications solicited by an agency for the sole purpose of formulating public policy. The agency soliciting testimony or communications must keep written documentation for a period of four (4) years detailing with particularity the public policy purpose for extending each such invitation.
- (9) "Executive branch lobbyist" means any person who is employed and receives payment, or who contracts for economic consideration, exceeding one thousand dollars (\$1,000) in any registration year, for the purpose of

engaging in executive branch lobbying activity. The term does not include any of the following:

- (A) An elected or appointed officer, employee, or special state appointee of a federal or state agency, the judicial department of state government, the legislative department of state government, a state educational institution (as defined in IC 20-12-0.5-1), or a political subdivision who attempts to influence an executive branch action that is within the scope of employment.
- (B) An attorney or any other person who represents a client in any proceeding conducted under IC 4-21.5, in a comparable proceeding conducted by an agency exempted by IC 4-21.5-2-4, or in a proceeding described in IC 4-21.5-2-6.
- (C) A person who represents a religious organization for the purpose of protecting the organization's constitutional rights.
- (D) Any newspaper or other periodical of general circulation, book publisher, news wire service, or radio or television station (including any individual who owns, publishes, or is employed by any such newspaper or periodical or radio or television station) that in the ordinary course of business publishes news items, editorials, or other comments or paid advertisement that directly or indirectly urge agency action if such newspaper, periodical, book publisher, radio or television station, or individual engages in no further or other activities in connection with agency actions.
- (E) A person whose communication with an agency is for the sole purpose of gathering information that is contained in a public record done under and in full compliance with:
 - (i) IC 5-16 (state public works);
 - (ii) IC 5-22 (public procurement); or
 - (iii) IC 8-23 (Indiana department of transportation highway contracts).
- (F) A person acting:
 - (i) on his or her own behalf; or
 - (ii) under Article 1, Section 31 of the Constitution of the State of Indiana;

who assembles together with other persons for the common good or petitions an agency for redress of grievances.

(10) "Financial arrangement" means the purchase or acquisition of any:

- (A) property;
- (B) interest in property;
- (C) service; or
- (D) other asset;

of an agency valued in excess ten thousand dollars (\$10,000).

(11) "Person" means any:

- (A) individual;
- (B) proprietorship;
- (C) partnership;
- (D) unincorporated association;
- (E) trust;
- (F) business trust;
- (G) group;
- (H) limited liability company; or
- (I) corporation;

whether or not operated for profit, or a governmental agency or political subdivision.

(12) "Real party in interest" means the person on whose behalf the executive branch lobbyist is acting, if that person is not the employer.

(Indiana Department of Administration; 25 IAC 6-1-1)

Rule 2. Registration Requirements

25 IAC 6-2-1 Initial registration statement

Authority: IC 4-13-1-4.2

Affected: IC 4-13-1-4.2

Sec. 1. Before making any contact with an agency regarding an executive branch action, an executive branch lobbyist shall file with the department a signed initial registration statement on a form approved by the commissioner, which shall include the following information:

- (1) The name, business address, telephone number, electronic mail address, and occupation of the executive branch lobbyist.
 - (2) The name, business address, telephone number, and electronic mail address of the:
 - (A) executive branch lobbyist's employer; and
 - (B) real party in interest on whose behalf the executive branch lobbyist is acting, if it is different from the employer.
 - (3) A statement of the total payments contemplated by the executive branch lobbyist's engagement, including:
 - (A) salary;
 - (B) retainer;
 - (C) fees;
 - (D) reimbursement of expenses; and
 - (E) other compensation;
- to be provided for any executive branch lobbying activity.
- (4) A brief description of the subject matter to which the engagement relates.
 - (5) The identity of the agency or agencies to which the engagement relates.

(Indiana Department of Administration; 25 IAC 6-2-1)

25 IAC 6-2-2 Annual registration reports

Authority: IC 4-13-1-4.2

Affected: IC 4-2-6

Sec. 2. (a) In addition to filing an initial registration statement under section 1 of this rule, an executive branch lobbyist shall file with the department not later than the last business day of December of each year a signed annual registration report on a form approved by the commis-

Proposed Rules

sioner, which shall include the following information:

- (1) The name, business address, telephone number, electronic mail address, and occupation of the executive branch lobbyist.
- (2) The name, business address, telephone number, and electronic mail address of the executive branch lobbyist's principal employer.
- (3) The name, business address, and electronic mail address of each real party in interest represented by the executive branch lobbyist that has a continuing engagement described in the initial registration statement filed by the executive branch lobbyist.
- (4) The total amount of payments received for all executive branch lobbying activities during the past year.
- (5) A brief description of the subject matter for the executive branch lobbying activities in which the executive branch lobbyist was engaged during the past year.
- (6) The identity of the agency or agencies to which the executive branch lobbying activities during the past year were directed.

(b) With each annual registration report, an executive branch lobbyist must file a verified statement approved by the office of the inspector general certifying that in the course of engaging in any executive branch lobbying activity, the executive branch lobbyist has read and complied with the following:

- (1) The state ethics statutes set forth in IC 4-2-6.
- (2) The rules promulgated by the state ethics commission at 40 IAC.

(Indiana Department of Administration; 25 IAC 6-2-2)

25 IAC 6-2-3 Amendments; changes in information; notice of termination

Authority: IC 4-13-1-4.2
Affected: IC 4-13-1-4.2

Sec. 3. (a) If a material change occurs in any of the information contained in a registration statement, an appropriate amendment shall be filed with the department within fifteen (15) days after the change.

(b) Each registered executive branch lobbyist shall file a notice of termination with the department within fifteen (15) days after ceasing the activity that required registration; however, this does not relieve the executive branch lobbyist of the reporting requirements of section 2 of this rule. *(Indiana Department of Administration; 25 IAC 6-2-3)*

Rule 3. Duties of the Commissioner

25 IAC 6-3-1 Duties of the commissioner

Authority: IC 4-13-1-4.2
Affected: IC 5-14-3

Sec. 1. (a) The commissioner shall:

- (1) prescribe forms for the:

- (A) initial registration statements;
- (B) annual registration statements;
- (C) termination reports; and
- (D) other documents;

required to be filed under this article; and

- (2) make the forms available to persons required to file those forms.

(b) In cooperation with the inspector general, the commissioner shall:

- (1) adopt a form for the statement to be filed under 25 IAC 6-2-2(b); and
- (2) include such form in materials made available to persons required to file a registration statement.

(c) The commissioner shall:

- (1) prepare and publish instructions setting forth recommended, uniform methods of reporting for use by persons required to file statements and reports under this article; and
- (2) make such instructions available on the department's Web site.

(d) The commissioner shall be responsible for notifying executive branch lobbyists of deficiencies, inadequacies, and delinquencies in registration statements and reports filed with the department.

(e) The commissioner shall compile and maintain an index of all reports and statements filed with the commissioner under this article to facilitate public access to these reports and statements.

(f) The commissioner may audit the accuracy of registration statements or other documents filed under this rule by requiring the registrant to submit verified statements and other supporting documentation. Disclosure of such documents shall be subject to IC 5-14-3 and the exceptions and exemptions contained therein.

(g) The commissioner shall notify an executive branch lobbyist of any violations or errors discovered during an audit. The executive branch lobbyist shall within thirty (30) days from receipt of the notification file an amended statement meeting all requirements set forth in this article. If no amended statement is filed within thirty (30) days of receipt of the notification, or if an amended statement does not adequately address the deficiencies discovered during the audit, the commissioner may:

- (1) refer the file to the office of the inspector general; and
- (2) deem the executive branch lobbyist unregistered until an appropriate amendment is filed.

(h) The department shall preserve statements and reports filed under this article for a period of four (4) years from the date of receipt. *(Indiana Department of Administration; 25*

IAC 6-3-1)

Rule 4. Prohibitions

25 IAC 6-4-1 Persons barred from executive branch lobbying

Authority: IC 4-13-1-4.2
Affected: IC 4-13-1-4.2

Sec. 1. The following persons may not be registered as an executive branch lobbyist and are prohibited from engaging in executive agency lobbying under this article:

- (1) Any individual convicted of a felony for violating any law while the individual was an officer or employee of any agency or political subdivision.**
- (2) Any person convicted of a felony relating to executive branch lobbying.**
- (3) Any person convicted of a felony who:**
 - (A) is in prison;**
 - (B) is on probation; or**
 - (C) has been in prison or on probation within the past twelve (12) months.**
- (4) Any person:**
 - (A) whose statement or report required to be filed under this article was found to be materially incorrect; and**
 - (B) who has not filed an amended statement or report within thirty (30) days after having been notified under 25 IAC 6-3-1(f).**

(Indiana Department of Administration; 25 IAC 6-4-1)

Rule 5. Enforcement

25 IAC 6-5-1 Enforcement

Authority: IC 4-13-1-4.2
Affected: IC 4-13-1-4.2

Sec. 1. (a) The commissioner shall take all steps allowed by applicable law to enforce these rules.

(b) The office of the inspector general shall receive complaints concerning unlawful executive branch lobbying activity, violations of the executive branch lobbying rules, or violations of state ethics rules committed by:

- (1) registered executive branch lobbyists; or**
- (2) unlawful executive branch lobbyist activity.**

(c) Complaints alleging unlawful executive branch lobbying activity, violations of the executive branch lobbying rules, or violations of state ethics rules may be filed with the office of the inspector general by:

- (1) the department;**
- (2) any appointing authority of an agency; or**
- (3) any person.**

(Indiana Department of Administration; 25 IAC 6-5-1)

Rule 6. Severability

25 IAC 6-6-1 Severability

Authority: IC 4-13-1-4.2
Affected: IC 4-13-1-4.2

Sec. 1. If any provision of this article as now or later amended, or its application to any person or circumstance, is held invalid, the invalidity shall not affect other provisions that can be given effect without the invalid provision or application. (Indiana Department of Administration; 25 IAC 6-6-1)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on August 23, 2005 at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Indiana Department of Administration will hold a public hearing on proposed new rules relating to the registration of executive branch lobbyists.

The Department of Administration is required to adopt these rules by Indiana Code 4-13-1-4.2. The economic impact on persons subject to these rules is the time involved in filling out and returning the required statements.

Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W479 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Susan W. Gard
General Counsel and Deputy Commissioner
Indiana Department of Administration

TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

Proposed Rule

LSA Document #05-130

DIGEST

Amends 170 IAC 4-4.1 and 170 IAC 4-4.2 regarding cogeneration and alternate energy production facilities and net metering. Adds 170 IAC 4-4.3 concerning interconnection standards between a public utility and a customer-generator facility. Effective 30 days after filing with the secretary of state.

170 IAC 4-4.1-7

170 IAC 4-4.2-5

170 IAC 4-4.3

SECTION 1. 170 IAC 4-4.1-7 IS AMENDED TO READ AS FOLLOWS:

170 IAC 4-4.1-7 Interconnections; metering; costs

tative:

(e) The eligible net metering customer shall install, operate, and maintain the net metering facility in accordance with the manufacturer's suggested practices for safe, efficient, and reliable operation in parallel to the investor-owned electric utility's system.

(f) The investor-owned electric utility may isolate any net metering facility if the investor-owned electric utility believes continued interconnection with the net metering facility creates or contributes to a system emergency. System emergencies causing discontinuance of interconnection shall be subject to verification by the commission upon a complaint made by the net metering customer in accordance with section 10 of this rule.

(g) The investor-owned electric utility may perform reasonable on-site inspections to verify the proper installation and continuing safe operation of the net metering facility and interconnection facilities, at reasonable times and upon reasonable advance notice to the net metering customer. (*Indiana Utility Regulatory Commission; 170 IAC 4-4.2-5; filed Oct 22, 2004, 11:00 a.m.: 28 IR 787*)

SECTION 3. 170 IAC 4-4.3 IS ADDED TO READ AS FOLLOWS:

Rule 4.3. Customer-Generator Interconnection Standards

170 IAC 4-4.3-1 Definitions

Authority: IC 8-1-1-3; IC 8-1-2.4

Affected: IC 8-1-2-1

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) "Area network" means a type of electric distribution system served by multiple transformers interconnected in an electrical network circuit that is generally used in large metropolitan areas, which are densely populated, in order to provide high reliability of service.

(c) "Commission" means the Indiana utility regulatory commission.

(d) "Customer-generator facility" means an arrangement of equipment for the production of electricity that is owned and operated by:

- (1) an eligible customer; or
- (2) a third party at the eligible customer's site.

(e) "Eligible customer" means any:

- (1) person;
- (2) firm;
- (3) corporation;
- (4) municipality; or

(5) other government agency; that has agreed, orally or otherwise, to pay for electric service received from an investor-owned electric utility and is in good standing with that utility.

(f) "Equipment package" means a group of components connecting an electric generator with an electric distribution system and includes all interface equipment including any of the following:

- (1) Switchgear.
- (2) Inverters.
- (3) Other interface devices.

The term includes an integrated generator or electric source.

(g) "Interconnection" or "interconnected" means the physical, parallel connection of a customer-generator facility with a distribution facility of an investor-owned electric utility.

(h) "Investor-owned electric utility" or "utility" means a public utility, as defined in IC 8-1-2-1:

- (1) that provides electricity;
- (2) that is financed by the sale of securities; and
- (3) whose business operations are overseen by a board representing the utility's shareholders.

(i) "Nameplate capacity" means the full-load continuous rating of a generator under specified conditions as designated by the manufacturer.

- (j) "Parallel" means the designed operation of the:
 - (1) customer-generator facility;
 - (2) interconnection equipment; and
 - (3) investor-owned electric utility's system;

where the instantaneous flow of electrical energy may automatically occur in either direction across the interconnection point between the customer-generator facility and the electrical utility's distribution system.

(k) "Spot network" means a type of electric distribution system that uses two (2) or more intertied transformers to supply an electrical network circuit. A spot network is generally used to supply power to a single customer or a small group of customers.

(l) "System emergency" means a condition on a utility's system reasonably likely to result in any of the following:

- (1) A significant disruption of service to a customer.
- (2) A substantial deviation from a normal service standard.
- (3) An endangerment to life or property.

(*Indiana Utility Regulatory Commission; 170 IAC 4-4.3-1*)

170 IAC 4-4.3-2 Applicability

Authority: IC 8-1-1-3; IC 8-1-2.4

Affected: IC 8-1-2

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Sec. 2. This rule shall apply to any investor-owned electric utility, subject to the jurisdiction of the commission, that may now or hereafter be engaged in the:

- (1) production;
- (2) transmission;
- (3) sale; or
- (4) distribution;

of electric service and all customer-generator facilities that apply for interconnection with such utilities on or after the effective date of this rule. (*Indiana Utility Regulatory Commission; 170 IAC 4-4.3-2*)

170 IAC 4-4.3-3 Exemptions

Authority: IC 8-1-1-3; IC 8-1-2.4

Affected: IC 8-1-2

Sec. 3. (a) Customer-generator facilities shall be exempt from revenue requirements and associated regulation under IC 8-1-2 as administered by the commission, except that the commission shall have authority over rates charged by electric utilities to customer-generator facilities.

(b) Upon agreement of an eligible customer and the utility, the customer-generator facility interconnection may be exempt from the requirements of this rule, except for the provisions of section 4(f) and 4(g) of this rule. (*Indiana Utility Regulatory Commission; 170 IAC 4-4.3-3*)

170 IAC 4-4.3-4 General interconnection provisions

Authority: IC 8-1-1-3; IC 8-1-2.4

Affected: IC 8-1-2

Sec. 4. (a) Each investor-owned electric utility shall provide each of the following three (3) procedures for applications for interconnection of customer-generator facilities and use:

(1) The Level 1 review procedure described in section 6 of this rule for applications to connect inverter-based customer-generator facilities that:

- (A) have a nameplate capacity of ten (10) kilowatts or less; and
- (B) meet the certification requirements of section 5 of this rule.

(2) The Level 2 review procedure described in section 7 of this rule for applications to connect customer-generator facilities:

- (A) with a nameplate capacity of two (2) megawatts or less; and
- (B) that meet the certification requirements of section 5 of this rule.

(3) The Level 3 review procedure described in section 8 of this rule for applications to connect customer-generator facilities to its distribution system that do not qualify for either Level 1 or Level 2 interconnection review procedures.

(b) Each utility shall designate a contact person or office from which an eligible customer can obtain basic application forms and information through an informal process.

(c) Each utility shall use commission-approved interconnection application and interconnection agreement forms.

(d) The utility may require the applicant to include a disconnect switch as a supplement to the equipment package.

(e) Application and interconnection review fees shall be set as follows:

(1) A utility shall not charge an application or other fee to an applicant that requests Level 1 interconnection review. However, if an application for Level 1 interconnection review is denied because the:

(A) application does not meet the requirements for Level 1 interconnection review; and

(B) applicant resubmits the application under another review procedure;

the utility may impose a fee for the resubmitted application, consistent with this section.

(2) For a Level 2 interconnection review, the utility may charge fees up to fifty dollars (\$50) plus one dollar (\$1) per kilowatt of the customer-generator facility's nameplate capacity, plus the cost of any minor modifications to the electric distribution system or additional review, if required under section 7(q)(3) of this rule. Costs for minor modifications or additional review shall be:

(A) based on utility estimates; and

(B) subject to review by the commission or its designee. Costs for engineering work done as part of any additional review shall not exceed one hundred dollars (\$100) per hour.

(3) For a Level 3 interconnection review, the utility may charge fees up to one hundred dollars (\$100) plus two dollars (\$2) per kilowatt of the customer-generator facility's nameplate capacity, as well as charges for actual time spent on any impact or facilities studies required under section 8 of this rule. Costs for engineering work done as part of any impact or facilities study shall not exceed one hundred dollars (\$100) per hour. If the utility must install facilities in order to accommodate the interconnection of the customer-generator facility, the cost of such facilities shall be the responsibility of the applicant.

(f) The interconnection and operation of any customer-generator facility is secondary to and shall not interfere with the ability of the utility to meet its primary responsibility of furnishing reasonably adequate service to all customers.

(g) All the customer-generator facility electrical installa-

tions shall conform to the following:

- (1) The requirements of local ordinances and inspection authorities.
- (2) The applicable requirements of this rule.

(Indiana Utility Regulatory Commission; 170 IAC 4-4.3-4)

170 IAC 4-4.3-5 Certification of customer-generator facilities

Authority: IC 8-1-1-3; IC 8-1-2.4
Affected: IC 8-1-2

Sec. 5. (a) In order to qualify for the Level 1 and the Level 2 interconnection review procedures described in sections 6 and 7 of this rule, a customer-generator facility must be certified as complying with the following standards, as applicable:

- (1) IEEE 1547, Standard for Interconnecting Distributed Resources with Electric Power Systems, as amended and supplemented, which is incorporated by reference herein. IEEE 1547 can be obtained through the IEEE at 445 Hoes Lane, P.O. Box 1331, Piscataway, New Jersey 08855-1331 or at www.ieee.org.
- (2) Underwriters Laboratories (UL) Standard 1741 on Inverters, Converters, and Controllers for Use in Independent Power Systems (January 2001), as amended and supplemented, which is incorporated by reference herein. UL Standards can be obtained through Underwriters Laboratories at 333 Pfingsten Road, Northbrook, Illinois 60062-2096 or at www.ul.com.

(b) An equipment package shall be considered certified for interconnection operation if it has been tested and listed by a nationally recognized testing and certification laboratory in compliance with subsection (a)(1).

(c) If the equipment package has been tested and listed in accordance with this section as an integrated package that includes a generator or other electric source, the:

- (1) equipment package shall be deemed certified; and
- (2) utility shall not require:
 - (A) further design review;
 - (B) testing; or
 - (C) additional certification;of the listed equipment package.

(d) If the equipment package includes only the interface components, an interconnection applicant must show that the generator or other electric source being utilized with the equipment package is:

- (1) compatible with the equipment package; and
- (2) consistent with the testing and listing performed by the nationally recognized testing and certification laboratory.

If the generator or electric source being utilized with the equipment package is consistent with the testing and listing performed by the nationally recognized testing and certifi-

cation laboratory, the equipment package shall be deemed certified, and the utility shall not require further design review, testing, or additional certification of the listed equipment package. (Indiana Utility Regulatory Commission; 170 IAC 4-4.3-5)

170 IAC 4-4.3-6 Level 1 interconnection review

Authority: IC 8-1-1-3; IC 8-1-2.4
Affected: IC 8-1-2

Sec. 6. (a) Each investor-owned electric utility shall adopt a Level 1 interconnection review procedure. The utility shall use the Level 1 review procedure for an application to interconnect a customer-generator facility that:

- (1) is inverter-based;
- (2) has a nameplate capacity of ten (10) kilowatts or less; and
- (3) is certified in accordance with section 5 of this rule.

(b) For a customer-generator facility described in subsection (a), the utility shall approve interconnection under the Level 1 review if all of the applicable requirements in subsections (c) through (h) are met. A utility shall not impose additional requirements not specifically authorized under this section.

(c) If a customer-generator facility is to be connected to a radial distribution circuit, the aggregate generation nameplate capacity connected to the circuit, including the proposed nameplate capacity, shall not exceed five percent (5%) of the line section annual peak load as most recently measured at the substation. The aggregate generation, including the proposed nameplate capacity, shall not exceed ten percent (10%) of the peak load, derived from a ratio of the section capacity to total connected circuit capacity, of the smallest portion of the primary distribution circuit that could remain connected with the proposed customer-generator facility after operation of any sectionalizing devices.

(d) The aggregate generation nameplate capacity on the distribution circuit to which the customer-generator facility will interconnect, including its nameplate capacity, shall not contribute more than ten percent (10%) to the circuit's maximum fault current at the point on which the primary level that is nearest the proposed point of common coupling.

(e) If a customer-generator facility is to be connected to a single-phase shared secondary, the aggregate generation nameplate capacity connected to the shared secondary, including the proposed nameplate capacity, shall not exceed the lesser of twenty (20) kVA or the nameplate rating of the service transformer.

(f) If a single-phase customer-generator facility is to be interconnected on a center tap neutral of a two hundred

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forty (240) volt service, the addition of the customer-generator facility shall not create an imbalance between the two (2) sides of the two hundred forty (240) volt service more than twenty percent (20%) of the nameplate rating of the service transformer.

(g) The customer-generator facility point of common coupling shall not be on:

- (1) a transmission line;
- (2) a spot network; or
- (3) an area network.

(h) The customer-generator facility shall not violate any applicable provisions of IEEE 1547, Standard for Interconnecting Distributed Resources with Electric Power Systems, as identified by the utility.

(i) The utility shall notify the applicant within ten (10) business days after receiving an application for Level 1 interconnection review as to whether the application is complete. If the application is incomplete, the notification shall include a list detailing the information needed to complete the application.

(j) Within fifteen (15) business days after the utility notifies the applicant that the application is complete, the utility shall notify the applicant that the customer-generator facility:

- (1) meets all of the criteria in subsections (c) through (h) that apply to the facility, and the interconnection will be finally approved upon completion of the process set forth in subsections (k) through (m); or
- (2) has failed to meet one (1) or more of the applicable criteria in subsections (c) through (h), and the interconnection application is denied.

(k) If approved, the utility shall, within ten (10) business days after sending the notice of approval under subsection (j)(1), do the following:

- (1) Notify the applicant if the utility will require inspection of the customer-generator facility for compliance with this rule before starting operation of the facility.
- (2) Execute and send to the applicant a Level 1 interconnection agreement.

(l) An applicant that receives an interconnection agreement under subsection (k) shall do the following:

- (1) Execute the agreement.
- (2) Return the agreement to the utility at least ten (10) business days before starting operation of the customer-generator facility.
- (3) Indicate the anticipated start date for operation of the customer-generator facility.

If the utility requires an inspection of the customer-generator facility, the applicant shall not begin operating the

facility until completion of the inspection.

(m) Upon:

- (1) receipt of the executed interconnection agreement; and
- (2) satisfactory completion of any required inspection; the utility shall approve the interconnection, conditioned on approval by the electric code officials with jurisdiction over the interconnection.

(n) If an application for Level 1 interconnection review is denied because it does not meet one (1) or more of the applicable requirements of this section, an applicant may resubmit the application under Level 2 or Level 3 interconnection review procedure as appropriate. (*Indiana Utility Regulatory Commission; 170 IAC 4-4.3-6*)

170 IAC 4-4.3-7 Level 2 interconnection review

Authority: IC 8-1-1-3; IC 8-1-2.4

Affected: IC 8-1-2

Sec. 7. (a) Each investor-owned electric utility shall adopt a Level 2 interconnection review procedure. The utility shall use the Level 2 review procedure for an application to interconnect a customer-generator facility that:

- (1) has a nameplate capacity of two (2) megawatts or less; and
- (2) is certified in accordance with section 5 of this rule.

(b) For a customer-generator facility described in subsection (a), the utility shall approve interconnection under the Level 2 review if all of the applicable requirements in subsections (c) through (o) are met. A utility shall not impose additional requirements not specifically authorized under this section.

(c) If a customer-generator facility is to be connected to a radial distribution circuit, the aggregate generation nameplate capacity connected to the circuit, including the proposed nameplate capacity, shall not exceed fifteen percent (15%) of the line section annual peak load as most recently measured at the substation.

(d) The aggregate generation capacity on the distribution circuit to which the customer-generator facility will interconnect, including its capacity, shall not contribute more than ten percent (10%) to the circuit's maximum fault current at the point on which the primary level that is nearest the proposed point of common coupling.

(e) If a customer-generator facility is to be connected to a single-phase shared secondary, the aggregate generation capacity connected to the shared secondary, including the proposed capacity, shall not exceed the lesser of twenty (20) kVA or the nameplate rating of the service transformer.

(f) If a single-phase customer-generator facility is to be interconnected on a center tap neutral of a two hundred forty (240) volt service, its addition will not create an imbalance between the two (2) sides of the two hundred forty (240) volt service more than twenty percent (20%) of the nameplate rating of the service transformer.

(g) The aggregate generation capacity on the distribution circuit to which the customer-generator facility will interconnect, including its capacity, shall not cause any:

(1) distribution protective equipment; or
(2) customer equipment on the distribution system; to exceed ninety percent (90%) of the short circuit interrupting capability of the equipment. In addition, a customer-generator facility shall not be connected to a circuit that already exceeds ninety percent (90%) of the short circuit interrupting capability.

(h) If there are known or posted transient stability limits to generating units located in the general electrical vicinity of the proposed point of common coupling, for example, three (3) or four (4) transmission voltage level busses, the aggregate generation capacity, including the proposed facility, connected to the distribution low voltage side of the substation transformer feeding the distribution circuit containing the point of common coupling shall not exceed ten (10) megawatts.

(i) If a customer-generator facility is to be connected to three-phase, three (3) wire primary utility distribution lines, a three-phase or single-phase generator shall be connected phase to phase.

(j) If a customer-generator facility is to be connected to three-phase, four (4) wire primary utility distribution lines, the generator shall appear to the primary utility distribution line as an effectively grounded source.

(k) The customer-generator facility point of common coupling shall not be on a transmission line.

(l) If a customer-generator facility is to be connected to the load side of spot network protectors, the proposed facility shall:

(1) utilize an inverter-based equipment package; and
(2) together with the aggregated other inverter-based generation, not exceed the smaller of five percent (5%) of a spot network's maximum load or fifty (50) kilowatts.

(m) If a customer-generator facility is to be connected to any network, the proposed facility must utilize a protective scheme that will ensure that its current flow will not affect the network protective devices including reverse power relays or a comparable function. Synchronous customer-generator facilities shall not be interconnected to a second-

ary network.

(n) If a customer-generator facility that:

(1) is an induction generator; or

(2) utilizes inverter-based protective functions;

both of which include reverse power relays functions, the proposed facility, in aggregate with other generation interconnected on the load side of the network protective devices, will not exceed the lesser of ten percent (10%) of the minimum load on the network or fifty (50) kilowatts.

(o) The customer-generator facility shall not violate any applicable provisions of IEEE 1547, Standard for Interconnecting Distributed Resources with Electric Power Systems, as identified by the utility.

(p) The utility shall notify the applicant within ten (10) business days after receiving an application for Level 2 interconnection review as to whether the application is complete. If the application is incomplete, the notification shall include a list detailing all of the information needed to complete the application.

(q) Within fifteen (15) business days after the utility notifies the applicant that the application is complete, the investor-owned electric utility shall perform an initial review to determine if the applicable requirements of subsections (c) through (o) are met. During the initial review the utility may, at its own expense, conduct any studies or tests it deems necessary to evaluate the proposed interconnection. The initial review shall result in one (1) of the following determinations:

(1) The customer-generator facility meets the applicable requirements in subsections (c) through (o). In this case, the utility shall:

(A) notify the applicant that the interconnection will be finally approved upon completion of the process set forth in subsections (r) through (t); and

(B) within ten (10) business days after this notice, provide the applicant with an executable interconnection agreement.

(2) The customer-generator facility has failed to meet one (1) or more of the applicable requirements in subsections (c) through (o); however, the utility has determined that the customer-generator facility can be interconnected consistent with safety, reliability, and power quality. In this case, the utility shall:

(A) notify the applicant that the interconnection will be finally approved upon completion of the process set forth in subsections (r) through (t); and

(B) within ten (10) business days after this notice, provide the applicant with an executable interconnection agreement.

(3) The customer-generator facility has failed to meet one (1) or more of the applicable requirements in subsections

(c) through (o); however, the initial review indicates that additional review may enable the utility to determine that the customer-generator facility can be interconnected consistent with safety, reliability, and power quality. In such a case, the utility shall:

(A) offer to perform additional review to determine whether minor modifications to the electrical distribution system would enable the interconnection to be made consistent with safety, reliability, and power quality;

(B) provide to the applicant a nonbinding, good faith estimate of the costs of the additional review or the minor modifications, or both; and

(C) undertake the additional review or modifications in accordance with subsection (u).

(4) The customer-generator facility has failed to meet one (1) or more of the applicable requirements of subsections (c) through (o), and the initial review indicates that additional review would not enable the utility to determine that the customer-generator facility can be interconnected consistent with safety, reliability, and power quality. In such a case, the utility shall:

(A) notify the applicant that the interconnection application has been denied; and

(B) provide an explanation of the reason or reasons for the denial, including a list of additional information or modifications, or both, to the customer-generator's facility that would be required in order to obtain an approval under Level 2 interconnection procedures.

(r) An applicant that receives an interconnection agreement under subsection (q)(1) or (q)(2) shall do the following:

(1) Execute the agreement.

(2) Return the agreement to the utility at least ten (10) business days before starting operation of the customer-generator facility.

(3) Indicate to the utility the anticipated start date for operation of the customer-generator facility.

(s) The utility may:

(1) require an inspection of a customer-generator facility for compliance with this section before operation; and

(2) require and arrange for witness of commissioning tests as set forth in IEEE 1547, Standard for Interconnecting Distributed Resources with Electric Power Systems.

The utility shall schedule any inspections or tests under this section promptly and within a reasonable time after submittal of the application. The applicant shall not begin operating the customer-generator facility until after the inspection and testing is completed.

(t) For an applicant that receives an interconnection agreement under subsection (q)(1) or (q)(2), approval of

interconnected operation of the customer-generator facility shall be conditioned on all of the following:

(1) The interconnection has been approved by the electrical code official with jurisdiction over the interconnection.

(2) Any utility inspection or witnessing of commissioning tests arranged under subsection (s) are successfully completed.

(3) The planned start date provided by the applicant under subsection (r)(3) has passed.

(u) For an applicant that pays for additional review under subsection (q)(3), within ten (10) business days from the receipt of payment, the utility shall perform any additional review and notify the applicant of the results. If the additional review determines that the customer-generator facility can be interconnected without adversely affecting safety, reliability, and power quality upon the completion of utility system modifications, the utility shall provide a cost estimate of the modifications with the results. Within twenty (20) business days after receipt of the cost estimate, the applicant will either:

(1) send payment to the utility for the estimated cost; or

(2) notify the utility in writing that it does not wish to proceed with the project.

Upon receipt of payment, the utility shall proceed to schedule and complete the required modifications or new construction. Within five (5) business days after the completion of the modifications or new construction, the utility shall provide the applicant with an executable interconnection agreement and notification that the interconnection will finally be approved upon completion of the process set forth in subsections (r) through (t).

(v) If an application for Level 2 interconnection review is denied because it does not meet one (1) or more of the applicable requirements in this section, an applicant may resubmit the application under the Level 3 interconnection review procedure as appropriate. (*Indiana Utility Regulatory Commission; 170 IAC 4-4.3-7*)

170 IAC 4-4.3-8 Level 3 interconnection review

Authority: IC 8-1-1-3; IC 8-1-2.4

Affected: IC 8-1-2

Sec. 8. (a) Each investor-owned electric utility shall adopt a Level 3 interconnection review procedure. The utility shall use the Level 3 review procedure for an application to interconnect a customer-generator facility that:

(1) is connected to its distribution system; and

(2) does not meet the requirements of section 6 or 7 of this rule.

(b) The utility shall do the following:

(1) Conduct an initial review of the application.

(2) Offer the applicant the opportunity to meet with

utility staff to discuss the application.

(c) The utility shall provide an impact study agreement to the applicant, which shall include a good faith estimate of the cost for an impact study to be performed by the utility.

(d) If the proposed interconnection may affect electric transmission or delivery systems other than those controlled by the utility, operators of these systems may require additional studies to determine the impact of the interconnection on these systems. The utility shall coordinate the studies of other operators, but shall not be responsible for their timing. The applicant shall be responsible for the costs of any such additional studies required by other affected system operators. The studies shall be conducted only after the applicant has provided written authorization.

(e) After the applicant has executed the impact study agreement and has paid the utility the amount of the good faith estimate required under subsection (c), the utility shall conduct the impact study and notify the applicant of the results as follows:

(1) If the impact study indicates that only insubstantial modifications to the utility's electric distribution system are necessary to accommodate the proposed interconnection, the utility shall send the applicant an interconnection agreement that details the following:

- (A) The scope of the necessary modifications.
- (B) An estimate of their cost.

(2) If the impact study indicates that substantial modifications to the utility's electric distribution system are necessary to accommodate the proposed interconnection, the utility shall do the following:

- (A) Provide a good faith estimate of the cost of the modifications.
- (B) Offer to conduct a facilities study at the applicant's expense, which will identify the types and cost of equipment needed to safely interconnect the applicant's customer-generator facility.

(f) If the applicant requests a facilities study under subsection (e)(2), the utility shall provide a facilities study agreement. The facilities study agreement shall describe the work to be undertaken in the facilities study and shall include a good faith estimate of the cost to the applicant for completion of the study. Upon execution by the applicant of the facilities study agreement, the utility shall conduct a facilities study, which shall identify the following:

- (1) The facilities necessary to safely interconnect the customer-generator facility with the utility's electric distribution system.
- (2) The cost of those facilities.
- (3) The time required to build and install those facilities.

(g) Upon completion of the facilities study, the utility shall

provide the applicant with the results of the study and an executable interconnection agreement. The agreement shall list the following:

- (1) The conditions and facilities necessary to safely interconnect the customer-generator facility with the utility's electric distribution system.
- (2) The cost of those facilities.
- (3) The time required to build and install those facilities.

(h) If the applicant wishes to interconnect, the applicant shall do the following:

- (1) Execute the interconnection agreement.
- (2) Provide a deposit of the cost of the facilities identified in the facilities study.
- (3) Complete installation of the customer-generator facility.
- (4) Agree to pay the utility the amount required for the facilities needed to interconnect as identified in the facilities study.

(i) Within fifteen (15) business days after notice from the applicant that the customer-generator facility has been installed, the utility shall do the following:

- (1) Inspect the customer-generator facility.
- (2) Arrange to witness any commissioning tests required under IEEE 1547, Standard for Interconnecting Distributed Resources with Electric Power Systems.

The utility and the applicant shall select a date by mutual agreement for the utility to witness commissioning tests.

(j) Provided the customer-generator facility passes any required commissioning tests satisfactorily, the utility shall notify the applicant in writing, within five (5) business days after the tests, of one (1) of the following:

- (1) The interconnection is approved and the customer-generator facility may begin operation.
- (2) The facilities study identified necessary construction that has not been completed, the date upon which the construction will be completed, and the date when the customer-generator facility may begin operation.

(k) If the commissioning tests are not satisfactory, the customer-generator shall repair or replace the unsatisfactory equipment and reschedule a commissioning test under subsection (i). (*Indiana Utility Regulatory Commission; 170 IAC 4-4.3-8*)

170 IAC 4-4.3-9 Requirements for ongoing operation of customer-generator facilities

Authority: IC 8-1-1-3; IC 8-1-2.4
Affected: IC 8-1-2

Sec. 9. (a) The investor-owned electric utility may perform reasonable on-site inspections to verify the proper installation and continuing safe operation of the customer-generator facility and interconnection facilities:

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- (1) at reasonable times; and
- (2) upon reasonable advance notice to the customer.

The cost of the inspection or inspections shall be at the utility's expense; however, the utility shall not be responsible for any other cost the customer may incur as a result of the inspection or inspections.

(b) The customer shall install, operate, and maintain the customer-generator facility in accordance with the manufacturer's suggested practices for safe, efficient, and reliable operation in parallel to the utility's system.

(c) The utility may isolate any customer-generator facility if the utility believes continued interconnection with the customer-generator facility creates or contributes to a system emergency. System emergencies causing discontinuance of interconnection shall be subject to verification by the commission upon a complaint made by the customer in accordance with the commission's consumer complaint rules.

(d) If the utility finds that the customer-generator's facility is not in compliance with the requirements of this rule, and the noncompliance adversely affects the safety, reliability, or power quality of the electric distribution system, the utility may require the customer-generator to disconnect the customer-generator facility until compliance is achieved. Should the commission subsequently find that the disconnection of the customer-generator facility was unreasonable given the facts the utility knew or should have known at the time of disconnection, the utility shall reimburse the customer-generator facility owner for all reasonable losses and damages caused by the disconnection. *(Indiana Utility Regulatory Commission; 170 IAC 4-4.3-9)*

170 IAC 4-4.3-10 Liability insurance and indemnity

Authority: IC 8-1-1-3; IC 8-1-2.4

Affected: IC 8-1-2-33; IC 8-1-2-34

Sec. 10. (a) The liability insurance and indemnification requirements of a customer-generator facility that is also a net metering facility, as defined at 170 IAC 4-4.2-1, shall be in accordance with 170 IAC 4-4.2-8.

(b) The liability insurance and indemnification requirements of a customer-generator facility that is not also a net metering facility, as defined at 170 IAC 4-4.2-1, shall be as follows:

- (1) Insurance provisions shall require a party to obtain only reasonable amounts of insurance against risks for which there is a reasonable likelihood of occurrence.
- (2) The utility and the customer shall indemnify and hold each other harmless from and against all claims, liability, damages, and expenses, including attorney's fees, based on any injury to any person, including loss of life or damage to any property, including loss of use thereof,

arising out of, resulting from, or connected with, or that may be alleged to have arisen out of, resulted from, or connected with an act or omission by the other party or its:

- (A) employees;
- (B) agents;
- (C) representatives;
- (D) successors; or
- (E) assigns;

in the construction, ownership, operation, or maintenance of the party's facilities.

(Indiana Utility Regulatory Commission; 170 IAC 4-4.3-10)

170 IAC 4-4.3-11 Tariff and reporting requirements

Authority: IC 8-1-1-3; IC 8-1-2.4

Affected: IC 8-1-2

Sec. 11. (a) Within sixty (60) days of the effective date of this rule, all investor-owned electric utilities shall submit for approval via the commission's thirty (30) day filing process generic interconnection application and interconnection agreement forms for each of the three (3) levels of review.

(b) To assist the commission in monitoring the effectiveness of this rule over time, each investor-owned utility shall file a report with the commission's electricity division before March 2 of each year following the effective date of this rule. The report shall contain the number, size, and type of the following:

- (1) Customer-generator facilities detailed in all applications received during the previous calendar year and the resolution, for example, granted, denied, withdrawn, of the applications. The report shall include the following:
 - (A) The application procedure (Level 1, 2, or 3) for all applications.
 - (B) The reason or reasons for any denied application or applications.
- (2) Existing interconnected customer-generator facilities as of December 31 of the previous calendar year.

(Indiana Utility Regulatory Commission; 170 IAC 4-4.3-11)

170 IAC 4-4.3-12 Customer complaints

Authority: IC 8-1-1-3; IC 8-1-2.4

Affected: IC 8-1-2-34.5

Sec. 12. In the event an investor-owned electric utility and an eligible customer are unable to agree on matters relating to customer-generator facility interconnection, either party may raise a customer complaint to the commission in accordance with the commission's consumer complaint rules. *(Indiana Utility Regulatory Commission; 170 IAC 4-4.3-12)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on September 1, 2005 at 10:00 a.m., at the Indiana Government Center-

South, 302 West Washington Street, Room E306, Indianapolis, Indiana the Indiana Utility Regulatory Commission will hold a public hearing on a proposed new rule on interconnection standards between a public utility and a customer-generator facility and the amendment of rules regarding cogeneration and alternate energy production facilities and net metering.

No requirements or costs are imposed on a regulated entity that are not expressly required by Indiana statute or federal law. Indiana Code Section 8-1-2.4-3 provides that the Indiana Utility Regulatory Commission shall encourage the participation of utilities in alternate energy production facilities, cogeneration facilities, and small hydro facilities.

Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E306 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

William D. McCarty
Commission Chairman
Indiana Utility Regulatory Commission

TITLE 412 INDIANA HEALTH FACILITIES COUNCIL

Proposed Rule
LSA Document #05-35
DIGEST

Amends 412 IAC 2-1-2.1, 412 IAC 2-1-10, and 412 IAC 2-1-14 to establish the effective and expiration dates for qualified medication aide (QMA) certificates, to amend the requirements for certification, recertification, or reinstatement of a QMA, and to amend the fees required for certification, recertification, or reinstatement. Repeals 412 IAC 2-1-13. Effective 30 days after filing with the secretary of state.

412 IAC 2-1-2.1 412 IAC 2-1-13
412 IAC 2-1-10 412 IAC 2-1-14

SECTION 1. 412 IAC 2-1-2.1 IS AMENDED TO READ AS FOLLOWS:

412 IAC 2-1-2.1 Employment of QMA and registry verification

Authority: IC 16-28-1-11
Affected: IC 16-28

Sec. 2.1. (a) ~~A facility must~~ **An individual shall** not allow an individual to work as a QMA unless that individual:

- (1) has satisfactorily completed a state-approved QMA training and competency evaluation program; and ~~has been~~
- (2) is certified by the Indiana state department of health.

An individual shall maintain QMA certification as required by section 10(c) of this rule in order to continue working as

a QMA.

~~(b) A facility must not allow an individual to work as a QMA unless the individual has been recertified and completed at least six (6) hours of in-service training per calendar year beginning January 1 of the year after initial training and certification:~~

~~(c)~~ **(b)** Before allowing an individual to serve as a QMA, a facility must receive verification from the Indiana Certified Nurse Aide (CNA)/QMA registry that the individual has met certification requirements unless the individual can prove that he or she has:

- (1) recently successfully completed a QMA training and competency evaluation program approved by the Indiana state department of health; and ~~has~~
- (2) not yet been included in the registry.

Facilities must follow-up to ensure that such an individual actually is placed in the registry. (*Indiana Health Facilities Council; 412 IAC 2-1-2.1; filed Jan 24, 2003, 8:26 a.m.: 26 IR 1937; errata filed Feb 10, 2003, 3:50 p.m.: 26 IR 2375*)

SECTION 2. 412 IAC 2-1-10 IS AMENDED TO READ AS FOLLOWS:

412 IAC 2-1-10 Certification, recertification, reinstatement, and in-service education requirements

Authority: IC 16-28-1-11
Affected: IC 16-28

Sec. 10. (a) A QMA shall be ~~recertified~~ **certified** by the Indiana state department of health. ~~every year.~~

~~(b) To be recertified, a QMA must obtain a minimum of six (6) hours per calendar year of in-service education in the area of medication administration, beginning January 1 of the year after For initial QMA training and certification as a QMA, the individual must do the following:~~

- (1) **Complete the requirements of this rule.**
- (2) **Submit to the testing entity an application approved by the Indiana state department of health.**
- (3) **Pass the written competency test in three (3) or fewer attempts with a passing score of at least eighty percent (80%).**

~~(c) For recertification, at least thirty (30) days before the expiration of the certificate, the individual must do the following:~~

- (1) **Obtain a minimum of six (6) hours per year of annual in-service education.**
- (2) **Submit the following to the Indiana state department of health:**
 - (A) **A qualified medication aide record of annual in-service education on the form approved by the Indiana state department of health.**
 - (B) **The appropriate fee.**

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The QMA is responsible for completing the in-service education requirements, maintaining documentation of in-service education, and submitting, or ensuring the submission of, the qualified medication aide record of annual in-service education form and appropriate fee.

(d) If the recertification fees or in-service education form, or both, required by subsection (c) is received by the Indiana state department of health more than ninety (90) days after the expiration of the QMA certification, the individual:

- (1) is removed from the QMA registry; and
- (2) must be reinstated under subsection (e) in order to work as a QMA.

(e) For reinstatement as a QMA following removal from the QMA registry, the individual must do the following:

- (1) Complete the requirements of this rule.
- (2) Submit to the testing entity an application approved by the Indiana state department of health.
- (3) Pass the written competency test in three (3) or fewer attempts with a passing score of at least eighty percent (80%).

(~~e~~) (f) Annual in-service education shall include ~~but is not limited to~~, the following medication administration. If facility policy allows the QMA to perform such functions in the facility, annual in-service education shall also include the following:

- (1) Medication administration via G-tube/J-tube.
- (2) Hemocult testing.
- (3) Finger stick blood glucose testing (specific to the glucose meter used).

(d) It is the QMA's responsibility to track said hours of in-service training and supply proof of completion of in-service training to the Indiana state department of health in conjunction with application for annual recertification:

- (g) QMA certificates:
- (1) are effective upon issue; and
 - (2) expire on March 31 of the next year.

The annual in-service education requirement period begins each year on March 1 and concludes on the last day of February of the next year. In the case of an initial certification, the annual in-service education requirement period begins on the QMA certification effective date and concludes on the last day of February of the next year. The in-service education requirement period therefore ends one (1) month before the expiration of the certification.

(~~e~~) (h) The Indiana state department of health shall maintain a registry of QMAs who have current certification.

(~~f~~) A QMA who does not meet the six (6) hour per year in-

service requirement shall not be recertified. The QMA will be removed from the QMA registry and be required to reenter and satisfactorily complete a training program and pass the state approved competency evaluation test prior to again serving in the capacity of a QMA. (*Indiana Health Facilities Council; 412 IAC 2-1-10; filed Jan 24, 2003, 8:26 a.m.: 26 IR 1938*)

SECTION 3. 412 IAC 2-1-14 IS AMENDED TO READ AS FOLLOWS:

412 IAC 2-1-14 Fees

Authority: IC 16-28-1-11
Affected: IC 16-28

Sec. 14. (a) An annual fee of ten dollars (\$10), payable to the Indiana state department of health, is required for recertification of a QMA.

(b) The fee required by subsection (a) shall be due ~~thirty (30)~~ days prior to ~~on or before~~ the expiration of the QMA's certification.

(c) If the recertification fee or in-service education form, or both, required by section 10(c) of this rule is received after the expiration date of the certificate, a ten dollar (\$10) late fee is assessed in addition to the recertification fee in subsection (a). (*Indiana Health Facilities Council; 412 IAC 2-1-14; filed Jan 24, 2003, 8:26 a.m.: 26 IR 1939*)

SECTION 4. 412 IAC 2-1-13 IS REPEALED.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on August 22, 2005 at 2:00 p.m., at the Indiana State Department of Health, 2 North Meridian Street, Rice Auditorium, Indianapolis, Indiana the Indiana Health Facilities Council will hold a public hearing on proposed amendments to establish the effective and expiration dates for qualified medication aide (QMA) certificates, to amend the requirements for certification, recertification, or reinstatement of a QMA, and to amend the fees required for certification, recertification, or reinstatement.

This rule adjusts the annual recertification date for QMAs and adds a late fee to offset increased costs arising from late recertification.

Copies of these rules are now on file at the Health Care Regulatory Services Commission, Indiana State Department of Health, 2 North Meridian Street and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

James A. Murphy
Chairman
Indiana Health Facilities Council

**TITLE 646 DEPARTMENT OF WORKFORCE
DEVELOPMENT**

Proposed Rule
LSA Document #05-128

DIGEST

Amends 646 IAC 3-10-9 and 646 IAC 3-10-13 to allow the Department of Workforce Development flexibility in how unemployment benefits are paid to recipients and to allow the Department of Workforce Development to use debit cards, direct deposit, or any means the Department of Workforce Development deems to be in its best interests and in the interests of the recipient to deliver unemployment benefits. Effective 30 days after filing with the secretary of state.

646 IAC 3-10-9

646 IAC 3-10-13

SECTION 1. 646 IAC 3-10-9 IS AMENDED TO READ AS FOLLOWS:

646 IAC 3-10-9 Payment of benefits

Authority: IC 22-4.1-3-3

Affected: IC 22-4-12-1; IC 22-4.1

Sec. 9. Benefits shall be paid by ~~warrant from the central office of debit card, direct deposit, or other means as the department deems to be in Indianapolis, Indiana: its best interests and in the interests of the eligible individual.~~ Except as otherwise provided under ~~section 15~~ **section 13** of this rule, ~~warrants benefits~~ shall be:

- (1) payable to the eligible individual; and ~~shall be mailed~~
- (2) **delivered** directly to him or her ~~or delivered as the director department~~ may designate.

(Department of Workforce Development; Reg 812; filed Dec 13, 1945, 10:40 a.m.: Rules and Regs. 1947, p. 928; filed Jul 22, 1953, 11:00 a.m.: Rules and Regs. 1954, p. 46; filed Apr 30, 1992, 5:00 p.m.: 15 IR 1931; filed Aug 1, 1994, 5:00 p.m.: 17 IR 2857; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203) NOTE: Transferred from the Indiana Unemployment Insurance Board (640 IAC 1-9-11) to the Department of Workforce Development (646 IAC 3-10-9) by P.L.105-1994, SECTION 5, effective July 1, 1994.

SECTION 2. 646 IAC 3-10-13 IS AMENDED TO READ AS FOLLOWS:

646 IAC 3-10-13 Benefits due deceased claimants; payment to estate or heirs

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 13. (a) Benefits due and payable to a deceased applicant shall be paid to the executor, administrator, or next-of-kin of the deceased if, ~~prior to before~~ **before** his or her death, the decedent had executed a voucher for the benefits claimed. If there is an executor or administrator, payments must be made to the executor or administrator. If it is shown to the satisfaction of the

director that there is no executor, ~~and~~ no administrator has been appointed, and in all probability no administrator will be appointed, payment may be made to the next-of-kin, due regard being given to the following order of preference:

- (1) The surviving spouse.
- (2) Children.
- (3) Parents.
- (4) Brothers and sisters.
- (5) Other relatives.

(b) The ~~director, commissioner,~~ however, is not bound to follow ~~this the~~ order of preference **listed in subsection (a).**

(c) Whenever there is more than one (1) legal heir in any of the classes established in subsection (a), payment may be made to any one (1) of that group as agent for the others upon submission of proper evidence of authority and identification.

(d) Application for payment of such benefits must be:

- (1) made in writing; and
- (2) on the prescribed form;

within six (6) months after the death of the decedent; provided, that the department, upon good cause shown, may extend the time for filing. ~~The warrant or warrants representing benefits claimed must accompany the application for payment.~~ Upon approval of the application, ~~the warrant or warrants payments shall be cross-endorsed made under section 9 of this rule to the order of the person entitled to receive the payment.~~ *(Department of Workforce Development; Reg 816; filed Dec 13, 1945, 10:40 a.m.: Rules and Regs. 1947, p. 930; filed Apr 30, 1992, 5:00 p.m.: 15 IR 1933; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203) NOTE: Transferred from the Indiana Unemployment Insurance Board (640 IAC 1-9-15) to the Department of Workforce Development (646 IAC 3-10-13) by P.L.105-1994, SECTION 5, effective July 1, 1994.*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on August 22, 2005 at 8:00 a.m., at the Department of Workforce Development, 10 North Senate Avenue, Room 301A, Indianapolis, Indiana the Department of Workforce Development will hold a public hearing on proposed amendments to 646 IAC 3-10-9 and 646 IAC 3-10-13 to broaden the means by which unemployment benefits may be paid out to eligible claimants.

These changes will not add any additional costs to small businesses.

Copies of these rules are now on file at 10 North Senate Avenue, Room SE202 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Ron Stiver
Commissioner
Department of Workforce Development

Proposed Rules

TITLE 844 MEDICAL LICENSING BOARD OF INDIANA

Proposed Rule LSA Document #05-91

DIGEST

Adds 844 IAC 5-5 to establish the guidelines for the use of controlled substances for the treatment of pain. Effective 30 days after filing with the secretary of state.

844 IAC 5-5

SECTION 1. 844 IAC 5-5 IS ADDED TO READ AS FOLLOWS:

Rule 5. Pain Management

844 IAC 5-5-1 Definitions

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5

Sec. 1. The following definitions apply throughout this rule:

(1) "Acute pain" means the normal, predicted physiological response to a:

- (A) noxious;
- (B) chemical;
- (C) thermal; or
- (D) mechanical;

stimulus and typically is associated with invasive procedures, trauma, and disease. Acute pain is generally time-limited.

(2) "Addiction" means a compulsive disorder in which an individual becomes preoccupied with obtaining and using a substance, despite adverse social, psychological, or physical consequences, the continued use of which results in a decreased quality of life. Physical dependence alone is not evidence of addiction.

(3) "Believes" or "has reason to believe" does not require absolute certainty or complete unquestioning acceptance, but only an opinion based on reasonable information that a patient is:

- (A) suffering from addiction or drug abuse; or
- (B) engaging in diversion of drugs.

(4) "Chronic pain" means a state:

- (A) in which pain persists beyond the usual course of an acute disease or healing of an injury; or
- (B) that may or may not be associated with an acute or chronic pathologic process that causes continuous or intermittent pain over months or years.

(5) "Dangerous drug" has the meaning set forth in 844 IAC 5-1-1(4).

(6) "Diversion" means the conveyance of a prescription drug to a person other than the person for whom the drug was prescribed or dispensed by a practitioner.

(7) "Drug abuse" means a maladaptive or inappropriate use or overuse of a medication.

(8) "Pain" means an unpleasant sensory and emotional experience:

- (A) associated with actual or potential tissue damage; or
- (B) described in terms of such damage.

(9) "Physical dependence" means a physiologic state of adaptation to a specific drug or medication characterized by the development of a withdrawal syndrome:

- (A) following abrupt cessation of a drug; or
- (B) on administration of an antagonist.

(10) "Practitioner" has the meaning set forth in 844 IAC 5-1-1(14).

(11) "Substance abuse" means the use of:

- (A) any substance or substances for nontherapeutic purposes; or
- (B) medication for purposes other than those for which it is prescribed.

(12) "Tolerance" means decreasing response to the same dosage of a prescription drug over time as a result of physiologic adaptation to that drug.

(Medical Licensing Board of Indiana; 844 IAC 5-5-1)

844 IAC 5-5-2 Guidelines for treatment

Authority: IC 25-22.5-2-7

Affected: IC 25-22.5

Sec. 2. When evaluating the treatment of pain, acute pain, or chronic pain, including the use of controlled substances, the practitioner shall comply with the accepted and prevailing standards of care, which shall include, but not be limited to, the following:

(1) A complete medical history and physical examination must be conducted and documented in the patient's medical record. The medical record shall document the following:

- (A) The nature and intensity of the pain.
- (B) Current and past treatments for pain.
- (C) Underlying or coexisting diseases or conditions.
- (D) The effect of the pain on physical and psychological function.
- (E) History of substance abuse.
- (F) The presence of one (1) or more recognized medical indications for the use of a controlled substance.

(2) An individualized written treatment plan shall be formulated and documented in the patient's medical record. The treatment plan shall:

- (A) specify the medical justification of the treatment by utilizing prescription or dangerous drugs;
- (B) indicate the intended role of the prescription or dangerous drug therapy within the overall plan;
- (C) state objectives that will be used to determine treatment success, such as pain relief and improved physical and psychosocial function;

- (D) document the patient's response to treatment, and, as necessary, modify the treatment plan; and
- (E) indicate if any further diagnostic evaluations or other treatments are planned.

After treatment begins, the practitioner shall adjust the drug therapy to the individual medical needs of each patient. Other treatment modalities or a rehabilitation program may be necessary depending on the etiology of the pain and the extent to which the pain is associated with physical and psychosocial impairment.

(3) A practitioner shall discuss the risks and benefits of the use of controlled substances with the patient, persons designated by the patient, or the patient's surrogate or guardian if the patient is incompetent. The patient should receive prescriptions from one (1) physician and one (1) pharmacy where possible. If the patient is determined to be at high risk for medication abuse or have a history of substance abuse, the physician may employ the use of a written agreement between the physician and patient outlining patient responsibilities, including the following:

- (A) Urine/serum medication levels screening when requested.
- (B) Number and frequency of all prescription refills.
- (C) The reason for which the drug therapy may be discontinued, such as a violation of the agreement.

(4) At reasonable intervals based on the individual circumstances of the patient, the physician shall review the course of treatment and any new information about the etiology of the pain. Continuation or modification of therapy should depend on the physician's evaluation of progress toward stated treatment objectives, including the improvement in the patient's pain intensity or improved physical or psychosocial function, or both, such as the following:

- (A) The ability to work.
- (B) The need of health care resources.
- (C) Activities of daily living.
- (D) The quality of social life.

If treatment goals are not being achieved, despite medication adjustments, the practitioner shall reevaluate the appropriateness of continued treatment. The practitioner shall monitor patient compliance in medication usage and related treatment plans.

(5) The practitioner shall be willing to refer the patient as necessary for additional evaluation and treatment in order to achieve treatment objectives. Special attention shall be given to those pain patients:

- (A) who are at risk for misusing their medications; and
- (B) whose living arrangements pose a risk for medication misuse or diversion.

The management of pain of patients with a history of substance abuse or with a comorbid psychiatric disorder may require extra care, monitoring, documentation, and consultation with or referral to an expert in the management of such patients.

(6) The practitioner shall keep accurate and complete records to include the following:

- (A) Medical history and physical examination.
- (B) Diagnostic, therapeutic, and laboratory results.
- (C) Evaluations and consultations.
- (D) Treatment objectives and discussion of risks and benefits.
- (E) Treatments.
- (F) Medications, including date, type, dosage, and quantity prescribed.
- (G) Instructions and agreements.
- (H) Periodic reviews.

Records should remain current and be maintained in an accessible manner and readily available for review.

(7) To prescribe, dispense, or administer controlled substances, the practitioner shall comply with applicable federal and state regulations. Practitioners shall refer to the Physicians Manual of the U.S. Drug Enforcement Administration for specific rules governing controlled substances as well as applicable state regulations.

(Medical Licensing Board of Indiana; 844 IAC 5-5-2)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on August 26, 2005 at 11:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Medical Licensing Board of Indiana will hold a public hearing on a proposed new rule to establish the guidelines for the use of controlled substances for the treatment of pain.

The Medical Licensing Board of Indiana has the authority to promulgate rules establishing the standards for the competent practice of medicine, osteopathic medicine, or any other form of practice regulated by a limited license or permit. This proposed rule establishes the guidelines for the use of controlled substances to treat pain and clarifies the practice of pain management. This proposed rule will have no costs to entities.

Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W072 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

TITLE 856 INDIANA BOARD OF PHARMACY

Proposed Rule
LSA Document #05-102

DIGEST

Adds 856 IAC 3-1-2 and 856 IAC 3-1-3, amends 856 IAC 3-

Proposed Rules

2-3, and adds 856 IAC 3-3 through 856 IAC 3-7 to implement rule changes based on House Enrolled Act 1098-2005 (P.L.212-2005), including establishing criteria for drug returns, establishing the definitions and requirements for normal distribution chain of custody, pedigree, and the extent to which pedigrees are required, and establishing criteria to approve an accreditation body to evaluate and inspect a person who engages in wholesale distributions of legend drugs. Repeals 856 IAC 3-2-1, 856 IAC 3-2-7, and 856 IAC 3-2-8. Effective January 1, 2006.

856 IAC 3-1-2	856 IAC 3-3
856 IAC 3-1-3	856 IAC 3-4
856 IAC 3-2-1	856 IAC 3-5
856 IAC 3-2-3	856 IAC 3-6
856 IAC 3-2-7	856 IAC 3-7
856 IAC 3-2-8	

SECTION 1. 856 IAC 3-1-2 IS ADDED TO READ AS FOLLOWS:

856 IAC 3-1-2 “Chain drug warehouse” defined

Authority: IC 25-26-14-13
Affected: IC 25-26-14

Sec. 2. As used in IC 25-26-14 and in this article, “chain drug warehouse” means a permanent physical location for drugs or devices, or both, that:

- (1) is licensed as a wholesale distributor;
- (2) acts as a central warehouse; and
- (3) primarily performs intracompany sales and transfers of legend drugs or devices to chain pharmacies that are members of the same affiliated group under common ownership and control.

(Indiana Board of Pharmacy; 856 IAC 3-1-2)

SECTION 2. 856 IAC 3-1-3 IS ADDED TO READ AS FOLLOWS:

856 IAC 3-1-3 “Statement” defined

Authority: IC 25-26-14-13
Affected: IC 25-26-14

Sec. 3. “Statement” means the specific unit of the specific legend drug that was purchased directly from the manufacturer. (Indiana Board of Pharmacy; 856 IAC 3-1-3)

SECTION 3. 856 IAC 3-2-3 IS AMENDED TO READ AS FOLLOWS:

856 IAC 3-2-3 Application forms; renewal forms

Authority: IC 25-26-14-13
Affected: IC 25-26-14-14

Sec. 3. (a) Applications for licensure may be obtained by writing to the Indiana Board of Pharmacy, Health Professions Bureau, Indiana Professional Licensing Agency, 402 West Washington Street, Room 041, W072, Indianapolis, Indiana

46204.

(b) Wholesale drug distributor licenses shall expire on September 30th 30 of each even-numbered year. Applications for renewal shall be mailed to the licensee. (Indiana Board of Pharmacy; 856 IAC 3-2-3; filed Jun 26, 1992, 5:00 p.m.: 15 IR 2461; errata filed Aug 24, 1992, 9:00 a.m.: 16 IR 66; readopted filed Jun 12, 2001, 2:17 p.m.: 24 IR 3823)

SECTION 4. 856 IAC 3-3 IS ADDED TO READ AS FOLLOWS:

Rule 3. Accreditation

856 IAC 3-3-1 Board-approved accreditation body

Authority: IC 25-26-14-13; IC 25-26-14-14
Affected: IC 25-26-14-14

Sec. 1. The National Association of Boards of Pharmacy’s Verified-Accredited Wholesale Distributors (VAWD) program shall do the following:

(1) Evaluate a wholesale drug distributor’s operations to determine compliance with the following:

- (A) Industry standards.
- (B) IC 25-26-14.
- (C) This title.
- (D) Any other applicable law.

(2) Perform inspections of each facility and location where wholesale distribution operations are conducted by the wholesale drug distributor.

(3) Ensure that the information obtained during accreditation remains confidential and privileged.

(4) Adhere to other requirements set by the board or the Indiana professional licensing agency.

(Indiana Board of Pharmacy; 856 IAC 3-3-1)

856 IAC 3-3-2 Accreditation for new applicants

Authority: IC 25-26-14-13
Affected: IC 25-26-14-14

Sec. 2. For licenses issued after December 31, 2005, applicants for licensure as wholesale drug distributors shall obtain the accreditation from the National Association of Boards of Pharmacy’s Verified-Accredited Wholesale Distributors (VAWD) program before issuance of licensure. (Indiana Board of Pharmacy; 856 IAC 3-3-2)

856 IAC 3-3-3 Accreditation for existing license holders

Authority: IC 25-26-14-13
Affected: IC 25-26-14-14

Sec. 3. For licenses issued before January 1, 2006, license holders shall obtain the accreditation from the National Association of Boards of Pharmacy’s Verified-Accredited Wholesale Distributors (VAWD) program before renewal of licensure on September 30, 2006. (Indiana Board of Pharmacy; 856 IAC 3-3-3)

SECTION 5. 856 IAC 3-4 IS ADDED TO READ AS FOLLOWS:

Rule 4. Pedigrees

856 IAC 3-4-1 Pedigrees; contents

Authority: IC 25-26-14-8.7; IC 25-26-14-13
Affected: IC 25-26-14

Sec. 1. A pedigree for each legend drug shall contain the following information:

- (1) The legend drug proprietary and established name.
(2) The container size of the legend drug.
(3) The number of containers.
(4) The dosage form.
(5) The dosage strength.
(6) Lot/control numbers with expiration dates.
(7) The name of the manufacturer and repackager, if applicable, of the finished legend drug product.
(8) The name, address, and telephone number of each entity involved in the chain of the legend drug's custody.
(9) The name and address of each person certifying delivery or receipt of the legend drug.
(10) The sales invoice number.
(11) The dates of each transaction, including manufacturer, delivery, and receipt.
(12) A certification that each recipient has authenticated the pedigree, back to the manufacturer.
(13) A certification from the licensed entity that the information contained on the pedigree is true.

(Indiana Board of Pharmacy; 856 IAC 3-4-1)

856 IAC 3-4-2 Pedigrees; approved formats

Authority: IC 25-26-14-8.7; IC 25-26-14-13
Affected: IC 25-26-14

Sec. 2. The pedigree format:

- (1) shall include the contents described in section 1 of this rule; and
(2) may be subject to the approval of the board.

(Indiana Board of Pharmacy; 856 IAC 3-4-2)

SECTION 6. 856 IAC 3-5 IS ADDED TO READ AS FOLLOWS:

Rule 5. Normal Distribution Chain of Custody

856 IAC 3-5-1 Authorized distributor to authorized distributor transaction; pedigree requirement

Authority: IC 25-26-14-8.5; IC 25-26-14-13
Affected: IC 25-26-14-17

Sec. 1. For purposes of IC 25-26-14 and this article, within the normal distribution chain of custody, an authorized distributor that receives a legend drug directly from the manufacturer, or from the manufacturer's third party

logistics provider, may sell the legend drug to a pharmacy, chain drug warehouse, or practitioner or one (1) other authorized distributor of the manufacturer that sells the legend drug directly to a pharmacy, chain drug warehouse, or practitioner without passing a pedigree if the invoice or accompanying document for the transaction includes a statement that the product was purchased directly from:

- (1) the manufacturer; or
(2) an authorized distributor of the manufacturer who purchased the product directly from the manufacturer.

(Indiana Board of Pharmacy; 856 IAC 3-5-1)

856 IAC 3-5-2 Chain drug warehouses in the normal distribution chain of custody

Authority: IC 25-26-14-8.5; IC 25-26-14-13
Affected: IC 25-26-14-1.8; IC 25-26-14-17

Sec. 2. As used in IC 25-26-14 and in this article, chain drug warehouses that are distributing to their affiliated pharmacies or warehouses are not required to:

- (1) be recognized as an authorized distributor, as defined in IC 25-26-14-1.8, for the normal distribution chain of custody to apply; or
(2) within the normal distribution chain of custody, pass a pedigree to or between their affiliated pharmacies or warehouses.

(Indiana Board of Pharmacy; 856 IAC 3-5-2)

856 IAC 3-5-3 Entities within the normal distribution chain custody

Authority: IC 25-26-14-8.5; IC 25-26-14-13
Affected: IC 25-26-14-17

Sec. 3. All entities, other than manufacturers approved by the Food and Drug Administration, within the normal distribution chain of custody shall be located and licensed within the United States or its territories. (Indiana Board of Pharmacy; 856 IAC 3-5-3)

856 IAC 3-5-4 Applicability of normal distribution chain of custody

Authority: IC 25-26-14-8.5; IC 25-26-14-13
Affected: IC 25-26-14-17

Sec. 4. Normal distribution chain of custody applies to the following:

- (1) Physical movement of the legend drug.
(2) Its passage of title.

(Indiana Board of Pharmacy; 856 IAC 3-5-4)

SECTION 7. 856 IAC 3-6 IS ADDED TO READ AS FOLLOWS:

Rule 6. Drug Returns

856 IAC 3-6-1 Drug returns; pedigree requirement

Authority: IC 25-26-14-11; IC 25-26-14-13
Affected: IC 25-26-14-17

Proposed Rules

Sec. 1. The returns or exchanges of saleable legend drugs, received by the wholesale distributor as provided by this article, are not subject to the pedigree requirements under IC 25-26-14 and 856 IAC 3-4. Wholesale distributors are responsible for the following:

(1) Policing the returns process.

(2) Maintaining operations that are designed against the entry of an adulterated or counterfeit product into distribution.

(Indiana Board of Pharmacy; 856 IAC 3-6-1)

SECTION 8. 856 IAC 3-7 IS ADDED TO READ AS FOLLOWS:

Rule 7. Authentications

856 IAC 3-7-1 Authentication

Authority: IC 25-26-14-13

Affected: IC 25-26-14

Sec. 1. Manufacturers shall cooperate in the process of authentication, as defined in IC 25-26-14. *(Indiana Board of Pharmacy; 856 IAC 3-7-1)*

SECTION 9. THE FOLLOWING ARE REPEALED: 856 IAC 3-2-1; 856 IAC 3-2-7; 856 IAC 3-2-8.

SECTION 10. **SECTIONS 1 through 9 of this document take effect January 1, 2006.**

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on September 12, 2005 at 10:00 a.m., at the Indiana Professional Licensing Agency, Indiana Government Center-South, 402 West Washington Street, Conference Room W064, Indianapolis, Indiana the Indiana Board of Pharmacy will hold a public hearing on proposed amendments to implement rule changes based on House Enrolled Act 1098-2005, including establishing criteria for drug returns, establishing the definitions and requirements for normal distribution chain of custody, pedigree, and the extent to which pedigrees are required, and establishing criteria to approve an accreditation body to evaluate and inspect a person who engages in wholesale distributions of legend drugs.

The Indiana Board of Pharmacy has the authority to promulgate rules in accordance with the requirements of HEA 1098 (P.L.212-2005). The requirements of HEA 1098 and this proposed rule help ensure that counterfeit drug product does not enter Indiana's drug distribution system and ultimately protects the patients of Indiana from such drug product. The recognition of the National Association of Boards of Pharmacy's (NABP) Verified-Accredited Wholesale Distributors (VAWD) Program allows the Board to enforce such stringent licensing requirements and standards. The VAWD program is another example of the quality regulatory assistance that NABP

has provided the Board for the past 100 years. If not for the VAWD program, the Indiana Professional Licensing Agency and the Board would incur a significant fiscal and operational impact, as they would be required to inspect and ensure compliance of licensed wholesalers across the United States. In sum, recognition of the NABP's accreditation program mitigates the fiscal and operational impact on the state and on the Board by authorizing VAWD to conduct inspections and ensure compliance with state and federal law. This proposed rule will have cost on the regulated entities, as follows:

The cost for each accreditation will be as follows:

Initial accreditation fee: \$5,500 (includes inspection costs)

Annual participation fee:

\$1,000, if not an inspection year

\$ 4,000, if an inspection year (inspections occur every 3 years)

There are approximately 490 to 540 wholesale drug distributor licensees that will be required to obtain initial accreditation from NABP's VAWD program, which in total will cost the regulated entities between \$2,695,000 and \$2,970,000 within the first 12 months the rule is in effect. Following the initial accreditation, the total cost to the regulated entities will be between \$490,000 and \$540,000 based on the annual participation fee not in an inspection year. The total cost to the regulated entities will be between \$1,960,000 and \$2,160,000 based on the annual participation fee in an inspection year.

Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W072 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

TITLE 872 INDIANA BOARD OF ACCOUNTANCY

Proposed Rule

LSA Document #04-290

DIGEST

Amends 872 IAC 1-2-1 to address the ethical requirements for licensees by incorporating by reference the July 1, 2004, pronouncements on professional standards of the American Institute of Certified Public Accountants (to apply to certified public accountants) and the May 1, 2003, Rules of Professional Conduct of the National Society of Accountants (to apply to accounting practitioners and public accountants). Effective 30 days after filing with the secretary of state.

872 IAC 1-2-1

SECTION 1. 872 IAC 1-2-1 IS AMENDED TO READ AS

FOLLOWS:

872 IAC 1-2-1 Rules of professional conduct; applicability

Authority: IC 25-2.1-2-15

Affected: IC 4-22-2; IC 23-1.5; IC 25-1-11-12; IC 25-2.1

Sec. 1. (a) In the interpretation and enforcement of this rule, the board will give consideration, but not necessarily dispositive weight, to relevant interpretations, rulings, and opinions issued by the **following**:

- (1) Boards of other jurisdictions. ~~and by~~
- (2) Appropriately authorized committees on ethics of professional organizations.

(b) No licensee of the board shall violate the following standards for the competent practice of accounting appropriate to establish and maintain a high standard of integrity and dignity in the profession of public accountancy, which are incorporated by reference as if fully set out in this rule:

(1) The following pronouncements on professional standards set forth in the AICPA Professional Standards, Volumes 1 and 2 (June 1, ~~1999~~; **2004**), subject to the exceptions listed in subsection (c) (applicable to certified public accountants only):

- ~~(A) Code of Professional Conduct.~~
- (A) U.S. Auditing - AICPA, including the following:**
 - (i) Statement on Auditing Standards - Introduction.**
 - (ii) The General Standards.**
 - (iii) The Standards of Field Work.**
 - (iv) The First, Second, and Third Standards of Reporting.**
 - (v) The Fourth Standard of Reporting.**
 - (vi) Other Types of Reports.**
 - (vii) Special Topics.**
 - (viii) Compliance Auditing.**
 - (ix) Special Reports of the Committee on Auditing Procedure.**
- ~~(B) Statements on Auditing Standards for Attestation Engagements.~~
- ~~(C) Statements on Standards for Attestation Engagements: Accounting and Review Services.~~
- ~~(D) Statements on Standards for Accounting and Review Services.~~
- (D) Code of Professional Conduct.**
- ~~(E) Statement on Standards for Consulting Services.~~
- (F) Tax Services.**
- (G) Personal Financial Planning.**

- (2) Professional corporation act at IC 23-1.5.
- (3) National Society of Accountants (NSA) Rules of Professional Conduct, ~~1998~~; **May 1, 2003**, excluding the interpretations and Rule ~~12 9~~ **(professional referrals) and the NSA Code of Ethics, August 2004** (applicable to accounting practitioners and public accountants only).

(c) As incorporated by reference in subsection (b)(1), the

AICPA professional standards ~~is~~ **are** amended to read as follows:

- (1) ET 50 (Principles of Professional Conduct) is deleted.
- (2) The third paragraph of Rule 505 (Form of Organization and Name) is deleted.
- (3) The phrase “standards promulgated by bodies designated by Council”, or any similar reference, shall mean the standards incorporated by reference in subsection (b)(1).

(d) Notwithstanding the use of the word “should” in the AICPA pronouncements incorporated by reference in subsection ~~(b)(1)(B)~~ **(b)(1)(A)** through ~~(b)(1)(E)~~; **(b)(1)(G)**, a certified public accountant must:

- (1) comply with the pronouncements; or**
- must**
- (2) justify any departures therefrom.**

(e) It shall be deemed incompetent practice contrary to high standards of integrity and dignity in the profession of certified public accountancy for a licensee of the board to be found by a court of competent jurisdiction to have engaged in accounting practices falling below professional standards in Indiana.

(f) As used in this rule, “member”, as used in the:

- (1) AICPA Professional Standards; and the**
- (2) NSA Rules of Professional Conduct; and**
- (3) NSA Code of Ethics;**

means licensee.

(g) Where matters incorporated by reference in this section conflict with express provisions of:

- (1) IC 25-2.1 (accountancy act);
- (2) IC 23-1.5 (professional corporation act); or
- (3) rules adopted by the board;

the express provisions control.

(h) No subsequent editions, amendments, supplements, or releases of the:

- (1) AICPA Professional Standards; or the**
- (2) NSA Rules of Professional Standards; or the**
- (3) NSA Rules of Professional Conduct;**

will be in effect in Indiana or adopted by the board, except by following the rulemaking provisions of IC 4-22-2.

(i) The standards incorporated by reference in subsection (b) apply to conduct that occurs after ~~January 31, 2001~~; **December 31, 2005**. This subsection shall not be construed to extinguish the board’s authority to impose any sanction under IC 25-1-11-12 for conduct that occurred before ~~February 1, 2001~~; **January 1, 2006**, in violation of a previous version of this section.

(j) A copy of the AICPA Professional Standards and the NSA Rules of Professional Conduct are available for public inspection at the offices of the Indiana Professional Licensing Agency, ~~302 402~~ **402** West Washington Street, Room ~~E034~~; **W072**, Indianapolis, Indiana 46204. Copies of the AICPA Professional Standards are available from the entity originally issuing the

Proposed Rules

document, the American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York, New York 10036-8775. Copies of the NSA Rules of Professional Conduct are also available from the entity originally issuing the document, the National Society of Accountants, 1010 North Fairfax Street, Alexandria, Virginia 22314. (*Indiana Board of Accountancy; Rule 69-1, 39; filed Jun 30, 1978, 9:54 a.m.: 1 IR 402; filed Aug 18, 1983, 3:20 p.m.: 6 IR 1932; filed May 1, 1984, 12:50 p.m.: 7 IR 1544; filed Mar 20, 1985, 3:25 p.m.: 8 IR 1040; filed Aug 28, 1986, 3:20 p.m.: 10 IR 68; filed Dec 11, 1992, 5:00 p.m.: 16 IR 1399; filed Feb 24, 1997, 4:00 p.m.: 20 IR 1736; filed Dec 18, 2000, 9:27 a.m.: 24 IR 1353, eff Feb 1, 2001; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on September 16, 2005 at 10:15 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 5, Indianapolis, Indiana the Indiana Board of Accountancy will hold a public hearing on proposed amendments to address the ethical requirements for licensees by incorporating by reference the July 1, 2004, pronouncements on professional standards of the American Institute of Certified Public Accountants (to apply to certified public accountants) and the May 1, 2003, Rules of Professional Conduct of the National Society of Accountants (to apply to accounting practitioners and public accountants).

The Indiana Board of Accountancy has the authority to adopt rules for professional conduct directed to controlling the quality and probity of the practice of accountancy by licensees, including independence, integrity, and objectivity, competence and technical standards, and responsibilities to the public and clients. This proposed rule incorporates the profession's rules of professional conduct for the practice of accountancy. This rule will have no cost on the regulated entities since the amendments simply incorporate the latest edition of the rules of professional conduct and update the exclusions based on the latest edition.

Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W072 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

Notices of Intent to Readopt

TITLE 20 STATE BOARD OF ACCOUNTS

Notice of Intent
LSA Document #05-147

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. *NOTE: LSA Document #05-147, printed at 28 IR 3051, was resubmitted for publication.* Effective 30 days after filing with the secretary of state.

OVERVIEW: Rules to be readopted without changes are as follows:

20 IAC 3 DIGITAL SIGNATURES

Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:

Indiana State Board of Accounts
ATTN: Philip R. McGovern, General Counsel
302 West Washington Street, Suite E418
Indianapolis, IN 46204
Statutory authority: IC 5-24-3-4.

TITLE 260 STATE DEPARTMENT OF TOXICOLOGY

Notice of Intent
LSA Document #05-152

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. *NOTE: LSA Document #05-152, printed at 28 IR 3051, was resubmitted for publication.* Effective 30 days after filing with the secretary of state.

OVERVIEW: Rules to be readopted without changes are as follows:

- | | |
|-----------------|--|
| 260 IAC 1.1-1-1 | Training applicants' screening examination |
| 260 IAC 1.1-2-2 | Certification of equipment and chemicals |

Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:

Dr. Peter Method
Acting Director

Indiana State Department of Toxicology
950 N. Meridian Street, Suite 960
Indianapolis, IN 46204
Statutory authority: IC 9-30-6-5.

TITLE 357 INDIANA PESTICIDE REVIEW BOARD

Notice of Intent
LSA Document #05-171

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. *NOTE: LSA Document #05-171, printed at 28 IR 3051, was resubmitted for publication.* Effective 30 days after filing with the secretary of state.

OVERVIEW: Rules to be readopted without changes are as follows:

- 357 IAC 1-8 Indiana Pesticide Law Violators; Public Listing**

Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:

David Scott
Indiana Pesticide Review Board
175 South University Street
West Lafayette, Indiana 47907-2063
scottde@purdue.edu

Statutory authority: IC 15-3-3.5-11; IC 15-3-3.5-18.3; IC 15-3-3.6-4; IC 15-3-3.6-14.

TITLE 590 INDIANA LIBRARY AND HISTORICAL BOARD

Notice of Intent
LSA Document #05-89

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. *NOTE: LSA Document #05-89, printed at 28 IR 2813, was resubmitted for publication.* Effective 30 days after filing with the secretary of state.

OVERVIEW: Rules to be readopted without changes are as follows:

Readopted Rules

590 IAC 3 STATEWIDE LIBRARY CARD PROGRAM

Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:

Ginny Andis
Library Development Office
Indiana State Library
140 N. Senate Ave.
Indianapolis, IN 46204

Statutory authority: IC 4-23-7.1-5.1; IC 4-23-7.1-5.2.

TITLE 760 DEPARTMENT OF INSURANCE

Notice of Intent
LSA Document #05-86

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. *NOTE: LSA Document #05-86, printed at 28 IR 2813, was resubmitted for publication.* Effective 30 days after filing with the secretary of state.

OVERVIEW: Rules to be readopted without changes are as follows:

760 IAC 1-50-6	Appeals of continuing education courses
760 IAC 1-50-9	Solicitor's continuing education requirements
760 IAC 1-50-10	Reciprocal agreements
760 IAC 1-50-11	List of continuing education course providers
760 IAC 1-61	Viatical Settlements
760 IAC 1-64	Valuation of Life Insurance Policies

Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:

Amy Strati, Chief Counsel
Indiana Department of Insurance
311 West Washington Street, Suite 300
Indianapolis, Indiana 46204
astrati@doi.state.in.us

Statutory authority: IC 27-1-12-10.5; IC 27-1-15.7-4; IC 27-1-15.7-7; IC 27-8-19.8-25; IC 27-8-19.8-26.

TITLE 905 ALCOHOL AND TOBACCO COMMISSION

Notice of Intent
LSA Document #05-180

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the secretary of state.

OVERVIEW: Rules to be readopted without changes are as follows:

905 IAC 1-42 Nonprobationary Enforcement Officer; Discharge, Demotion, or Suspension

Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:

Alcohol and Tobacco Commission
Attn: U-Jung Choe
Indiana Government Center South, Room E114
Indianapolis, IN 46204
uchoe@atc.in.gov

TITLE 910 CIVIL RIGHTS COMMISSION

Notice of Intent
LSA Document #05-153

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. *NOTE: LSA Document #05-153, printed at 28 IR 3051, was resubmitted for publication.* Effective 30 days after filing with the secretary of state.

OVERVIEW: Rules to be readopted without changes are as follows:

910 IAC 3 ENTITLED EMPLOYMENT DISCRIMINATION AGAINST DISABLED PERSONS

Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:

Gregory Kellam Scott, Director
Indiana Civil Rights Commission
Indiana Government Center-North, Room N103
100 North Senate Avenue
Indianapolis, IN 46204

Statutory authority: IC 22-9-1-6(c).

Final Readopted Rules

**TITLE 840 INDIANA STATE BOARD OF
HEALTH FACILITY ADMINISTRATORS**

Final Rule
LSA Document #05-12(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the secretary of state.

840 IAC 2-1

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

840 IAC 2-1 Standards of Competent Practice

LSA Document #05-12(F)

Intent to Readopt Rules Published: March 1, 2005; 28 IR 1862

Proposed Readopted Rules Published: May 1, 2005; 28 IR 2459

Hearing Held: June 2, 2005

Filed with Secretary of State: June 13, 2005, 2:00 p.m.

60 Day Requirement (IC 4-22-2-19)

**TITLE 655 BOARD OF FIREFIGHTING
PERSONNEL STANDARDS AND EDUCATION**

LSA Document #04-297

June 13, 2005

VIA HAND DELIVERY

Senator R. Michael Young, Chairman
Administrative Rules Oversight Committee
c/o Legislative Services Agency
200 W. Washington Street, Suite 301
Indianapolis, Indiana
Attn: Sarah Burkman

Re: LSA Doc. #04-297

Dear Sen. Young,

Pursuant to the provisions of IC 4-22-2-19(c), this letter shall serve as written notification that LSA Doc. 04-297 does not comply with IC 4-22-2-19(c)(1). This creates a new voluntary certification for both fire service personnel and non-fire service personnel. The reasons for the non-compliance are as follows:

1. Pursuant to IC 22-14-2-7(c)(7), the Board of Firefighting Personnel Standards and Education is authorized to adopt rules to create a program of voluntary certification for fire service and non-fire service personnel and programs. This statute was effective in 1987.

2. The new certifications are being adopted in accordance with directives from the federal Dept. of Homeland Security.

The expected date that the rule will be completed is August 1, 2005.

The expected date that the rule will be approved by the Governor is August 15, 2005.

Please feel free to call Mara Snyder, counsel to the Board, at 233-5341 should you have any questions or require further information about these certifications.

Sincerely,

Roger D. Johnson
State Fire Marshal

365 Day Notice (IC 4-22-2-25)

TITLE 40 STATE ETHICS COMMISSION

LSA Document #04-198

TO: Senator R. Michael Young
Chairperson, First Regular Session, 114th General Assembly
Administrative Rules Oversight Committee
C/O Indiana Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, IN 46204-2789
Attention: Sarah Burkman

FROM: Nina Brahm, Staff Counsel
Indiana State Ethics Commission

Re: **LSA Document #04-198**

DATE: March 18, 2005

Cc: Ethics Commissioners, Ethics Commission Staff,
Jason Barclay, Governor's Office

On behalf of the Indiana State Ethics Commission, I am submitting this memo to the Administrative Rules Oversight Committee, in compliance with IC 4-22-2-25, because the Ethics Commission has determined that the promulgation of the captioned rule may not be completed within one year after publication of the notice of intent to adopt a rule.

The Ethics Commission published its notice of intent to adopt a rule for the captioned document on August 1, 2004. The proposed rule was published on December 1, 2004, however a public hearing was delayed to give the administration of newly elected Governor Daniels an opportunity to review the proposed rule. A public hearing has now been set, and will take place on April 26, 2005, at 10:00 a.m., in room six of the Indiana Government Center-South Conference Center.

This notice, setting forth the date of completion of LSA #04-198 as November 30, 2005, and approval by Governor Daniels as February 28, 2006, is being submitted in a timely manner. April 7, 2004 is the two hundred fiftieth day after publication of the notice of intent to adopt a rule.

TITLE 326 AIR POLLUTION CONTROL BOARD

FIRST NOTICE OF COMMENT PERIOD
#05-197(APCB)

DEVELOPMENT OF NEW RULES CONCERNING CERTAIN SOURCE CATEGORIES EMITTING VOLATILE ORGANIC COMPOUNDS

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on new rules proposed to be added to 326 IAC 8 concerning volatile organic compound (VOC) emissions from four specific source categories that are currently subject to 326 IAC 8-1-6. Another option under consideration would apply 326 IAC 8-1-6 requirements to any facility with potential to emit VOC being constructed at a new or modified source that has VOC emissions greater than 25 tons per year, is located in an ozone nonattainment area, and is not regulated elsewhere in 326 IAC 8. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

CITATIONS AFFECTED: 326 IAC 8-1; 326 IAC 8-5.

AUTHORITY: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

The purpose of this rulemaking is to increase the clarity, predictability, and timeliness of air permits for certain new sources of VOC emissions. Currently, new facilities not regulated by a provision in 326 IAC 8 that have potential emissions of 25 tons or more per year of VOC are required to reduce VOC emissions using best available control technology (BACT). ‘Facility’ is defined at 326 IAC 1-2-27 to mean individual pieces of equipment, a structure, or installation. Establishing BACT is a case-by-case determination based on the maximum reduction in emissions that is technically feasible, while taking into account energy, environmental, and economic impact. Such analyses are time intensive, cause delays in permit issuance, and do not always provide predictability to the permit applicant. Establishing industry specific BACT standards in place of case-by-case BACT analyses improves the clarity, predictability, and timeliness of permit decisions involving sources that are currently subject to 326 IAC 8-1-6.

This rulemaking will establish specific control options for at least four specified source categories with potential emissions of 25 tons or more per year of VOC in lieu of a case-by-case specific BACT analysis and determination under 326 IAC 8-1-6. IDEM is also considering revising the applicability of BACT under 326 IAC 8-1-6 to any new facility with potential to emit VOC being constructed at a ‘source’ that has VOC emissions greater than 25 tons per year, located in an ozone nonattainment area, and not regulated elsewhere in 326 IAC 8.

The specific control options for the four source categories are based on current control requirements that IDEM has established for 326 IAC 8-1-6 BACT determinations for ethanol production, foundry core operations, heatset web offset lithographic printing presses, and soybean oil extraction. This list of control options is not exclusive, nor does it take into account pollution prevention strategies which IDEM may accept as BACT.

Ethanol production

- Wet Scrubber
- Flare

- Regenerative Thermal Oxidizer
- Recuperative Thermal Oxidizer

Foundry core operations

- Acid Scrubber

Heatset web offset lithographic printing presses

- Regenerative thermal oxidizer

Soybean oil extraction

- Catalytic Oxidizer
- Wet Scrubber
- Flare
- Regenerative Thermal Oxidizer

IDEM solicits comments from the four source categories referenced above and from any other person currently subject to 326 IAC 8-1-6 regarding control options that can be established as BACT standards for industries other than the four specified. Recognizing that industry variations may preclude certain sources within the four specified source categories from using this rulemaking’s suggested control options, IDEM also solicits comments specifying language allowing the commissioner to designate alternative control options as BACT.

IDEM proposes to create four new sections within 326 IAC 8-5: one for each of the four source categories. The new sections will include language specifying applicability and control options. Language specifying general compliance and record keeping and reporting requirements would be added to existing language in 326 IAC 8-1-10, 326 IAC 8-1-11, or 326 IAC 8-1-12. IDEM solicits comments on the placement of this rulemaking’s language within 326 IAC 8.

IDEM also solicits comments on revising the applicability of 326 IAC 8-1-6. All new or modified facilities with potential to emit VOC at sources with VOC emissions greater than 25 tons per year, located in an ozone nonattainment area, and not regulated elsewhere in 326 IAC 8, may be affected by this rulemaking.

Alternatives To Be Considered Within the Rulemaking

Alternative 1.

Specify control options for four specified source categories currently subject to 326 IAC 8-1-6.

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? Yes. 326 IAC 8-1-6 (BACT determination) is a part of Indiana’s federally approved SIP.
- If it is a federal requirement, is it different from federal law? No.
- If it is different, describe the difference. N/A.

Alternative 2.

Specify control options for other source categories currently subject to 326 IAC 8-1-6.

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? Yes. 326 IAC 8-1-6 (BACT determination) is a part of Indiana’s federally approved SIP.
- If it is a federal requirement, is it different from federal law? No.
- If it is different, describe the difference. N/A.

Alternative 3.

Revise applicability of 326 IAC 8-1-6 to include a new or modified facility with potential to emit VOC at a source with VOC emissions greater than 25 tons per year, located in an ozone nonattainment area, and not regulated elsewhere in 326 IAC 8.

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? Yes. Federal law requires states to implement strategies to meet federal air quality standards. Emissions from small sources

can hamper efforts to reach and maintain attainment, so IDEM is considering revising the current rule so that 326 IAC 8-1-6 BACT applies to any new emission unit, not otherwise subject to 326 IAC 8, installed at a source operating in an ozone nonattainment area, and emitting greater than 25 tons per year of VOC.

- If it is a federal requirement, is it different from federal law? No.
- If it is different, describe the difference. N/A.

Alternative 4.

- Continue to have all source categories comply with 326 IAC 8-1-6.
- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
 - Is this alternative imposed by federal law or is there a comparable federal law? Yes. 326 IAC 8-1-6 is a part of Indiana’s federally approved SIP.
 - If it is a federal requirement, is it different from federal law? No.
 - If it is different, describe the difference. N/A.

Applicable Federal Law

For the four specified source categories currently subject to 326 IAC 8-1-6, this rulemaking will maintain the requirement of BACT under 326 IAC 8-1-6, which has been approved by the U.S. Environmental Protection Agency (U.S. EPA) as part of Indiana’s SIP for VOC, while improving the clarity, predictability, and timeliness of permit decisions. Through approval of the SIP, U.S. EPA approves Indiana’s strategies to meet federal air quality standards. To ensure federal approval, Indiana is proposing to revise the existing rule to indicate that BACT under 326 IAC 8-1-6 applies to any facility being constructed at a new or modified source that has VOC emissions greater than 25 tons per

year, is located in an ozone nonattainment area, and is not regulated elsewhere in 326 IAC 8. Indiana will request U.S. EPA to approve these rules.

Potential Fiscal Impact

This rule will reduce the time and cost of preparing an application to install new equipment and will reduce the time necessary to obtain approval to install that equipment. This rule will provide predictability that will help sources more quickly adapt to market opportunities and be more competitive in the marketplace. Specific source categories currently subject to 326 IAC 8-1-6 will have to adopt control requirements generally consistent with current IDEM BACT determinations. The change from a case-by-case BACT determination to a specific set of standards in a rule should not result in an increased fiscal impact, but the impact possible industry variations have on the specific emission limitations of the control options will need to be examined in the course of this rulemaking.

For the four source categories, the fiscal impact is represented by the cost of the control options. The control technology recommended from previous IDEM BACT determinations for the four source categories that are the subject of this rulemaking is listed above, but, as already emphasized, should not be considered the only control options IDEM will consider during this rulemaking. Because of the specialized operating parameters of each source category, only cost estimates are provided. The cost estimates are provided by U.S. EPA’s Clean Air Technology Center.

Dollar amounts represent the cost of treating 1000 cubic feet per minute of air flow.

Control Option	Capital Costs	Operating and Maintenance Costs	Annualized Costs
Wet Scrubber	\$11,000-\$55,000	\$15,000-\$50,000	\$17,000-\$80,000
Recuperative Thermal Oxidizer	\$12,000-\$100,000	\$5,000-\$25,000	\$8,000-\$45,000
Flare	\$12,000-\$2,000,000	\$1,000-\$9,000	\$3,000-\$300,000
Regenerative Thermal Oxidizer	\$35,000-\$150,000	\$4,000-\$20,000	\$8,000-\$42,000
Catalytic Oxidizer	\$20,000-\$90,000	\$4,000-\$25,000	\$8,000-\$50,000
Thermal Oxidizer	\$25,000-\$90,000	\$5,000-\$75,000	\$8,000-\$100,000
Acid Scrubber	\$4,000-\$10,000	\$3,000-\$40,000	\$5,000-\$70,000

This rulemaking will result in a fiscal impact for a source that has VOC emissions greater than 25 tons per year, is located in an ozone nonattainment area, is not regulated elsewhere in 326 IAC 8, and is constructing a new or modified facility.

IDEM is specifically asking for comments on the cost and savings that would be realized if any or all of these changes are adopted.

Small Business Assistance Information

IDEM established a compliance and technical assistance (CTAP) program under IC 13-28-3. The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with IC 13-28-3 and IC 13-28-5, there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on the CTAP program, the monthly CTAP newsletter, and other resources available can be found at www.in.gov/idem/ctap.

Small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Sandra El-Yusuf
 IDEM Compliance and Technical Assistance Program
 OPPTA - MC60-04
 100 N. Senate Avenue, W-041
 Indianapolis, IN 46204-2251
 (317) 232-8578
selyusuf@idem.IN.gov

The Small Business Assistance Program Ombudsman is:

Eric Levenhagen
 IDEM Small Business Assistance Program Ombudsman
 External Affairs - MC50-01
 100 N. Senate Avenue, IGCN 1301
 Indianapolis, IN 46204-2251
 (317) 234-3386
elevenha@idem.IN.gov

Public Participation and Workgroup Information

At this time, no workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Sky Schelle, Rules Section, Office of Air Quality at (317) 234-3533 or (800) 451-6021 (in Indiana).

STATUTORY AND REGULATORY REQUIREMENTS

IC 13-14-8-4 requires the board to consider the following factors in promulgating rules:

- (1) All existing physical conditions and the character of the area affected.
- (2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- (3) Zoning classifications.
- (4) The nature of the existing air quality or existing water quality, as the case may be.
- (5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors

affecting the quality.

(6) Economic reasonableness of measuring or reducing any particular type of pollution.

(7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to human, plant, animal, or aquatic life or to the reasonable enjoyment of life and property.

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits the following:

- (1) The submission of alternative ways to achieve the purpose of the rule.
- (2) The submission of suggestions for the development of draft rule language.

Mailed comments should be addressed to:

#05-197(APCB)[8-1-6]

Sky Schelle

c/o Rules Section Administrative Assistant

Rules Section

Office of Air Quality

Indiana Department of Environmental Management

100 North Senate Avenue

Indianapolis, Indiana 46204.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the 10th floor reception desk, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules Section at (317) 233-0426.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by August 31, 2005.

Additional information regarding this action may be obtained from Sky Schelle, Rules Section, Office of Air Quality, (317) 234-3533 or (800) 451-6027 (in Indiana).

Kathryn A. Watson, Chief
Air Programs Branch
Office of Air Quality

TITLE 329 SOLID WASTE MANAGEMENT BOARD

FIRST NOTICE OF COMMENT PERIOD

#05-181(SWMB)

ADDITION OF 329 IAC 16 CONCERNING ELECTRONIC WASTE

PURPOSE OF NOTICE

Adds 329 IAC 16 concerning provisions for electronic waste (e-waste) management, which may include collection, reporting, processing, storage and disposal requirements. This rule would add pertinent definitions and minimal requirements. The rule might specify operational and facility design standards to protect surface and ground water.

IDEM seeks comment on the affected citations listed and any other provisions of Title 329 that may be affected by this rulemaking.

CITATIONS AFFECTED: 329 IAC 16.

AUTHORITY: IC 4-22-2; IC 13-14-8-1; IC 13-14-8-2; IC 13-14-9; IC 13-15-2; IC 13-19-3-1; IC 13-30-2.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

Electronic waste (e-waste) handling and disposal has become a pressing nationwide environmental issue of concern. The United States generates more e-waste than any other nation, according to the United States Environmental Protection Agency (U.S. EPA). Electronic waste, or e-waste, includes cathode ray tubes (CRTs) from televisions and computer monitors, hard drives or towers (CPUs), printers, circuit boards and keyboards, cellular and cordless phones, televisions, VCRs, and DVD players. E-waste can include any item that has an electric cord or a battery. E-waste is also known as WEEE, or waste from electrical and electronic equipment. In general, computer equipment is a complicated assembly of more than 1,000 materials, many of which are highly toxic, such as chlorinated and brominated substances, toxic gases, toxic metals, biologically active materials, acids, plastics and plastic additives.

Indiana has addressed white goods disposal for more than 13 years. White goods include clothes washers and dryers, refrigerators, stoves, and dishwashers. Indiana Solid Waste Management Districts must provide for the proper management and disposal of white goods as a part of their approved solid waste management plans. Generally, these items are repaired or recycled, so this background report will concentrate on electronic waste other than white goods.

The health impacts of the mixtures and material combinations in electronic products often are not known. However, there is evidence that computer recyclers have high levels of dangerous chemicals in their blood. (Sjodin, et al. "Flame Retardants Exposure—Polybrominated Diphenyl Ethers (PBDEs) in Blood from Swedish Workers." Environmental Health Perspectives. Vol. 107, Number 8, August 1999.)

Experts estimate that as of 2004 there were more than 315 million obsolete computers in the U.S., many of which were destined for landfills, incinerators or hazardous waste exports. Approximately, 6.3 million computers were obsolete in Indiana as of 2004.

The European Union is developing an e-waste solution that will make manufacturers responsible for taking back their old products for recycling. This legislation – which includes "take-back" requirements and toxic materials phase-outs - also encourages use of less hazardous materials in the product design and less waste generation. However, to date, no such initiative has occurred in North America. No national specific mandates exist at all for the collection and handling of e-waste in the United States. California, Maine, Massachusetts, and Minnesota have recognized the problem to the extent of banning cathode ray tubes (CRT) from municipal solid waste landfills.

This rule will be a true "one-stop shopping" rule. It will include the new exclusion under the hazardous waste rules at 40 CFR 260 et al and include provisions and standards for e-waste processing, storage and disposal under the solid waste rules.

Alternatives to be Considered Within the Rulemaking

Alternative 1. Specify minimal requirements. The minimal requirements are a registration notice, some sort of pad (asphalt, concrete, plastic liner with dirt cover, etc.) or plastic cover for the waste; run-on and run-off controls, and a closure bond.

Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No, but this would cover any facility under the new federal regulations for the exclusion of CRTs from being a solid waste under the hazardous waste rules if certain standards are met.

Is this alternative imposed by federal law or is there a comparable federal law? No, not specifically for e-waste.

If it is a federal requirement, is it different from federal law? It includes the federal exclusion at 40 CFR 260 et al, but is broader to include solid waste standards, too.

If it is different, describe the differences.

Alternative 2. Permit as a solid waste processing facility

Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No

Is this alternative imposed by federal law or is there a comparable federal law? No

If it is a federal requirement, is it different from federal law? N/A

If it is different, describe the differences.

Alternative 3. Permit for hazardous waste storage

Is this alternative an incorporation of federal standards, either by reference or full text incorporation? Yes

Is this alternative imposed by federal law or is there a comparable federal law? Yes

If it is a federal requirement, is it different from federal law? No

If it is different, describe the differences.

Applicable Federal Law

Federal law that prohibits any solid waste management practice or disposal of solid or hazardous waste which constitutes the open dumping of solid waste or hazardous waste.(42 U.S.C. 6945) The regulations at 40 CFR 257.2 defines disposal as “the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground water.” Federal regulations (40 CFR 257.3) prohibit solid waste practices that violate the established environmental criteria and pose a reasonable probability of adverse effects on human health or the environment. Federal regulations at 40 CFR 260 et al., exclude CRTs from being a solid waste under the hazardous waste rules if certain standards are met.

Potential Fiscal Impact

Potential Fiscal Impact of Alternative 1. There would be a minimal cost for either covered storage or a pad or liner with run-on and run-off controls. This cost is approximately \$20,000 to \$50,000 per acre. There is no cost associated with sending in a registration form but there would be a cost for obtaining a closure bond. That amount has not been determined yet. There are no additional costs for a storm water permit, as applicable, as these are required by other rules. In contrast, if the site would become contaminated, the cost of soil and groundwater remediation is at a minimum \$400,000 to \$800,000 per acre.

Potential Fiscal Impact of Alternative 2. The cost of a full permit varies; however, to permit, construct and operate a solid waste processing facility the cost is approximately \$400,000 to \$750,000.

Potential Fiscal Impact of Alternative 3. The cost of a hazardous waste storage permit varies; however, the cost will include the application package development (\$20,000), the application fee (\$23,800), construction of the facility (\$200,000), annual operating fees (\$2,500 x 7’ \$17,500), renewal after 5 years (\$17,200) and financial assurance (\$5,000-\$100,000).

Small Business Assistance Information

IDEM established a compliance and technical assistance (CTAP) program under IC 13-28-3. The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with IC 13-28-3 and IC 13-28-5, there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on the CTAP program, the monthly CTAP newsletter, and

other resources available can be found at www.in.gov/idem/ctap.

Small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Sandra El-Yusuf
IDEM Compliance and Technical Assistance Program
OPPTA - MC60-04
100 N. Senate Avenue, W-041
Indianapolis, IN 46204-2251
(317) 232-8578
selyusuf@idem.IN.gov

The Small Business Assistance Program Ombudsman is:

Eric Levenhagen
IDEM Small Business Assistance Program Ombudsman
External Affairs - MC50-01
100 N. Senate Avenue, IGCN 1301
Indianapolis, IN 46204-2251
(317) 234-3386
elevenha@idem.IN.gov

Public Participation and Workgroup Information

A workgroup is planned for this rulemaking. If you are interest in being a member of this workgroup, please contact Lynn West, Rules, Outreach and Planning Section, Office of Land Quality at (317) 232-3593 or (800) 451-6027 (in Indiana).

STATUTORY AND REGULATORY REQUIREMENTS

IC 13-14-8-4 requires the board to consider the following factors in promulgating rules:

- (1) All existing physical conditions and the character of the area affected.
- (2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- (3) Zoning classifications.
- (4) The nature of the existing air quality or existing water quality, as the case may be.
- (5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- (6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to human, plant, animal, or aquatic life or to the reasonable enjoyment of life and property.

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits the following:

- (1) The submission of alternative ways to achieve the purpose of the rule.
- (2) The submission of suggestions for the development of draft rule language.

Mailed comments should be addressed to:

#05-181(SWMB) [E-waste Rule]
Marjorie Samuel
Rules, Outreach, and Planning Section
Office of Land Quality
Indiana Department of Environmental Management
P.O. Box 6015
Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the eleventh floor reception desk, Office of Land Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number:

(317) 232-3403, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Marjorie Samuel in the Rules, Outreach and Planning Section at (317) 232-7995.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by September 1, 2005.

Additional information regarding this action may be obtained from Lynn West, Rules, Outreach and Planning Section, Office of Land Quality, (317) 232-3593 or (800) 451-6027 (in Indiana).

Bruce H. Palin
Deputy Assistant Commissioner
Office of Land Quality

TITLE 329 SOLID WASTE MANAGEMENT BOARD

FIRST NOTICE OF COMMENT PERIOD

#05-182(SWMB)

DEVELOPMENT OF NEW RULES CONCERNING INSPECTION AND CLEANING OF PROPERTIES CONTAMINATED BY CHEMICALS USED IN THE ILLEGAL MANUFACTURE OF A CONTROLLED SUBSTANCE

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on new rules concerning the inspection and cleanup of properties contaminated by chemicals used in the illegal manufacture of a controlled substance. This rulemaking is required by Public Law 192-2005 (Senate Enrolled Act 444), SECTION 6. This rule would include the following subject matter:

- Listing of persons qualified to inspect and clean contaminated property.
- Qualification and certification of persons who inspect and clean contaminated property.
- Standards or criteria for inspection and remediation of contaminated property.

IDEM seeks comment on the affected citations listed and any other provisions of Title 329 that may be affected by this rulemaking.

CITATIONS AFFECTED: 329 IAC 17.

AUTHORITY: IC 13-14-1-15; IC 13-14-8-4; IC 13-14-8-7; IC 13-14-9; IC 35-48-4; P.L.192-2005.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

P.L.192-2005 was intended to assist law enforcement agencies and property owners with responding to and remediating property contaminated by the illegal manufacture of methamphetamine. SECTION 6 of this public law requires the Indiana Department of Environmental Management (IDEM) to maintain a list of persons certified to inspect and clean property that is contaminated by a contaminant. IDEM may set the qualifications and expertise required for certification. In addition, P.L.192-2005 expanded the definition of “contaminant” in IC 13-11-2-42 to include “chemicals used in the illegal manufacture of a controlled substance (as defined in IC 35-48-1-9) or an immediate

precursor (as defined in IC 35-48-1-17) of a controlled substance.”.

P.L.192-2005, SECTION 6, requires IDEM to adopt rules to implement the above requirements and to regulate inspection and remediation of contaminated property.

Alternatives to be Considered Within the Rulemaking

There are no alternatives to rulemaking to accomplish the purposes of this notice. IDEM is considering the following alternatives in this rulemaking:

Alternative 1. Adopt criteria and procedures for qualification and certification of persons qualified to inspect and clean contaminated property.

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? No.
- If this alternative is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. There is no corresponding federal requirement.

Alternative 2. Establish duties and requirements for persons who are certified by IDEM to inspect and clean contaminated property.

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? No.
- If this alternative is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. There is no corresponding federal requirement.

Alternative 3. Adopt requirements for inspection and cleaning of properties contaminated with chemicals used in the manufacture of a controlled substance or an immediate precursor of the controlled substance.

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? No.
- If this alternative is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. There is no corresponding federal requirement.

Additional Alternatives

This notice specifically solicits comment on the alternatives listed above and any other alternatives that would accomplish the purpose of this rule. Based on the comments received on this notice, additional alternatives may be considered.

Applicable Federal Law

While there are no federal laws dealing directly with the remediation of properties contaminated by the illegal manufacture of a controlled substance, federal hazardous waste regulations may apply to the management and disposal of hazardous waste generated by such remediation. To the extent that the rule will regulate hazardous wastes, such requirements will be as stringent as the federal hazardous waste program contained in 40 CFR 260 through 40 CFR 273.

Potential Fiscal Impact

Alternatives 1 through 3 are not required to be adopted under federal law. However, IDEM has not determined the specific requirements that would be proposed for adoption for each alternative. As a result, IDEM cannot estimate the potential fiscal impact of these alternatives at this time. IDEM specifically solicits comment on the potential fiscal impact of any draft language proposed by commentators for this rulemaking.

Small Business Assistance Information

IDEM established a compliance and technical assistance (CTAP) program under IC 13-28-3. The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with IC 13-28-3 and IC 13-28-5, there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on the CTAP program, the monthly CTAP newsletter, and other resources available can be found at www.in.gov/idem/ctap.

Small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Sandra El-Yusuf
IDEM Compliance and Technical Assistance Program
OPPTA – MC60 - 04

100 North Senate Avenue
W-041

Indianapolis, Indiana 46204-2251

(317) 232-8578

selyusuf@idem.in.gov

The Small Business Assistance Program Ombudsman is:

Eric Levenhagen

IDEM Small Business Assistance Program Ombudsman

External Affairs – MC 50-01

100 North Senate Avenue

Indianapolis, Indiana 46204-2251

(317) 234-3386

elevenhagen@idem.in.gov

Public Participation and Workgroup Information

An external workgroup may be established to discuss issues involved in this rulemaking. The workgroup, if established, would be made up of department staff and a cross-section of stakeholders. If you believe a workgroup would further the purposes of this rule and result in better rulemaking, and you wish to participate in the workgroup, please submit your name, mailing address, telephone number, e-mail address, and the area(s) of interest you wish to represent to:

#05-182(SWMB) [Inspection and Cleanup of Contaminated Property]

Marjorie Samuel

Office of Land Quality

Indiana Department of Environmental Management

100 North Senate Avenue

Indianapolis, Indiana 46204

If too many applications are received to form a functional workgroup, the department will select a representative group from the applications on file.

The formation of a workgroup, if it occurs, will be announced on IDEM's rulemaking Web site: <http://www.in.gov/idem/rules/>.

If a workgroup is formed and you wish to provide comments to the workgroup on the rulemaking, attend meetings, or submit suggestions related to the workgroup process, please contact Steve Mojonier, Rules, Planning and Outreach Section, Office of Land Quality at (317) 233-1655 or (800) 451-6027 (in Indiana). Please provide your name, phone number, and e-mail address, if applicable, where you can be contacted.

The public is also encouraged to submit comments and questions directly to members of the workgroup who represent their particular interests in the rulemaking. If a workgroup is established, a list of workgroup members and the interests they represent will be provided on request.

STATUTORY AND REGULATORY REQUIREMENTS

IC 13-14-8-4 requires the board to consider the following factors in promulgating rules:

- (1) All existing physical conditions and the character of the area affected.
- (2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- (3) Zoning classifications.
- (4) The nature of the existing air quality or existing water quality, as the case may be.
- (5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- (6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to human, plant, animal, or aquatic life or to the reasonable enjoyment of life and property.

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits the following:

- (1) The submission of alternative ways to achieve the purpose of the rule.
- (2) The submission of suggestions for the development of draft rule language.
- (3) The submission of information on the fiscal impact of each alternative identified in this notice.

Mailed comments should be addressed to:

#05-182(SWMB) [Inspection and Cleanup of Contaminated Property]

Marjorie Samuel

Office of Land Quality

Indiana Department of Environmental Management

100 North Senate Avenue

Indianapolis, Indiana 46204

Hand delivered comments will be accepted by the receptionist on duty at the eleventh floor reception desk, Office of Land Quality, 100 North Senate Avenue, Eleventh Floor East, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 232-3403, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules, Planning and Outreach Section at (317) 232-1655 or (317) 232-7995.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by August 31, 2005.

Additional information regarding this action may be obtained from Steve Mojonier of the Rules, Planning and Outreach Section, Office of Land Quality, (317) 233-1655 or call (800) 451-6027 (in Indiana), press zero (0), and ask for extension 3-1655. Additional information on this rule may also be found on IDEM's rulemaking Web site at <http://www.in.gov/idem/rules/>.

Bruce H. Palin

Assistant Commissioner

Office of Land Quality

INDIANA PROTECTION AND ADVOCACY SERVICES

Indiana Protection and Advocacy Services (IPAS) is soliciting comments and suggestions concerning the priorities for the agency for the next three year planning cycle, 2006-2009. IPAS mission is to protect and promote the rights of individuals with disabilities through empowerment and advocacy. There will be a public comment period during the quarterly Commission meeting on August 13 from 10:00 a.m to 11:00 a.m. The meeting will be held at IPAS offices at 4701 N. Keystone Ave., Suite 222, Indianapolis, IN 46205. Interested person are invited to come to the meeting to make comments on the proposed priorities. The IPAS proposed priorities can be viewed at www.in.gov/ipas, or by calling IPAS at 1-800-622-4845. Comments can also be submitted in writing to the IPAS office address and by e-mail to grichter@ipas.in.gov. Persons planning to attend the public meeting on August 13 who need accommodations due to disabilities should let me know of their needs by July 29.

DEPARTMENT OF INSURANCE

July 1, 2005

Bulletin 132

**CREDENTIALING OF HEALTH CARE PROVIDERS
BY INSURERS AND HEALTH MAINTENANCE ORGANIZATIONS**

This Bulletin is directed to all insurers and health maintenance organizations (HMO) doing business in the state of Indiana. "Credentialing" is defined at IC 27-8-11-1(b) as a process through which an insurer makes a determination, based upon criteria established by the insurer or HMO, concerning whether a provider is eligible to provide health care services to an insured or enrollee, and receive reimbursement for those services, under a contract entered into between the provider and the insurer or HMO. Currently, not all insurers and HMOs use the same credentialing application form. The General Assembly reviewed the issue and determined that it would improve the system of credentialing if all insurers and HMOs used a standard application form. Senate Enrolled Act 43 (Pub. Law 26, 2005) directs the Department of Insurance to prescribe the application form developed by the Council for Affordable Quality Healthcare as a standardized form for credentialing.

Therefore, pursuant to Senate Enrolled Act 43 (Pub. Law 26-2005), the Department of Insurance hereby prescribes the credentialing application form used by the Council for Affordable Quality Healthcare to be used by all insurers and HMOs doing business in the state of Indiana. The application may be used in either an electronic or paper format. Insurers and HMOs may choose to have the CAQH provide credentialing services or they can perform the function themselves. The CAQH form is available on the Department of Insurance website, www.state.in.gov/idoi.

INDIANA DEPARTMENT OF INSURANCE

James Atterholt, Commissioner

DEPARTMENT OF STATE REVENUE

COMMISSIONER'S DIRECTIVE #29

August 2005

DISCLAIMER: Commissioner's Directives are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules and court decisions. Any information that is not consistent with the law, regulations or court decisions is not binding on either the Department or the taxpayer. Therefore the information provided herein should serve only as a foundation for further investigation and study of the current law and procedures related to the subject matter covered herein.

SUBJECT: Prohibition of Multiple Tax Credits for Same Investment

REFERENCES: IC 6-3.1-1-3; IC 6-3.1-10; IC 6-3.1-11; IC 6-3.1-11.5; IC 6-3.1-11.6; IC 6-3.1-13.5; IC 6-3.1-19; IC 6-3.1-24; IC 6-3.1-26

I. INTRODUCTION

The purpose of this Directive is to explain IC 6-3.1-1-3 (effective retroactive to January 1, 2005) which limits the number of tax credits that a taxpayer can qualify for if the investment that is made by the taxpayer could qualify for multiple credits.

II. TAX CREDITS INCLUDED IN THE LIMITATION

If a taxpayer qualifies for more than one of the following credits, the taxpayer is only allowed to claim one of the credits for the same project.

- (1) Enterprise zone investment cost credit (IC 6-3.1-10)
- (2) Industrial recovery tax credit (IC 6-3.1-11)
- (3) Military base recovery tax credit (IC 6-3.1-11.5)
- (4) Military base investment cost credit (IC 6-3.1-11.6)
- (5) Capital investment tax credit (IC 6-3.1-13.5)
- (6) Community revitalization enhancement district tax credit (IC 6-3.1-19)
- (7) Venture capital investment tax credit (IC 6-3.1-24)
- (8) Hoosier business investment tax credit (IC 6-3.1-26)

III. ELECTION OF TAXPAYER TO CHOOSE CREDIT

If a taxpayer, pass through entity, or shareholder, partner, or member of a pass through entity has been granted more than one tax credit for the same project, the taxpayer, pass through entity, or shareholder, partner, or member of a pass through entity must elect to apply only one of the tax credits.

When the taxpayer chooses the credit that will be used for the investment made in the project, the taxpayer is not permitted to change the credit selected in subsequent years.

If the taxpayer uses all of the credits that the taxpayer has been awarded, the taxpayer is not allowed to elect a subsequent credit for the same investment in the following years.

John Eckart

Commissioner

DEPARTMENT OF STATE REVENUE

IN REGARDS TO THE MATTER OF:

TOM ARNBO

5083 STONESPRING WAY

ANDERSON, IN 46012

DOCKET NO. 29-2004-0338-A

**FINDINGS OF FACT, CONCLUSIONS OF
LAW AND PROPOSED DEPARTMENTAL ORDER**

An administrative hearing was held on Monday, January 31, 2005 and Tuesday, February 1, 2005 in the office of the Indiana Department of State Revenue, 100 N. Senate Avenue, Room N248, Indianapolis, Indiana 46204 before Bruce R. Kolb, Administrative Law Judge acting on behalf of and under the authority of the Commissioner of the Indiana Department of State Revenue.

Petitioner, Tom Arnbo, was represented by Marilyn A. Moores and Arend J. Abel of Cohen & Mallad, LLP, One Indiana Square, Suite 1400, Indianapolis, Indiana 46204. Attorney Doug Klitzke appeared on behalf of the Indiana Department of State Revenue.

A hearing was conducted pursuant to IC 4-21.5 et seq., evidence was submitted, and testimony given. The Department maintains a record of the proceedings. The transcript of the hearing was received by the Administrative Law Judge on February 24, 2005. A Supplemental Brief from the Department was received on March 18, 2005. A Supplemental Brief on behalf of the Petitioner was received on April 2, 2005. Being duly advised and having considered the entire record, the Administrative Law Judge makes the following Findings of Fact, Conclusions of Law, and Proposed Departmental Order.

REASON FOR HEARING

An investigation was conducted by the Criminal Investigation Division of the Indiana Department of Revenue and was completed on June 15, 2004. The Department issued a letter to Petitioner dated September 3, 2004, which stated, "[T]here has been a failure by the licensed operators, Tom & Sally Arnbo, to properly carry out their responsibilities of supervising the charity gaming operations of Anderson Hoop Shooters, Inc....Tom & Sally Arnbo will not be considered as "operators" on any charity gaming application either now or in the future." The Petitioner protested the Department's decision in a timely manner.

FINDINGS OF FACTS

- 1) The Criminal Investigation Division of the Indiana Department of Revenue (hereinafter referred to as Department) conducted an investigation of Anderson Hoop Shooters, Inc. and Petitioner in 2002. (Record at 113).
- 2) Anderson Hoop Shooters, Inc. (hereinafter referred to as Anderson) runs Slam Dunk Bingo. (Record at 31).
- 3) Slam Dunk Bingo was located at 121 Federal Drive, Chesterfield, Indiana 46017. (Department's Exhibit #1).
- 4) Petitioner did not testify during his administrative hearing.
- 5) Petitioner was listed as an operator for Anderson during the periods at issue. (Department's Exhibits #2, 3, and 4).
- 6) An operator is responsible for conducting an allowable event for a qualified organization under this article in accordance with Indiana law. (See IC 4-32-6-17).
- 7) Anderson's CG-8s (Indiana Annual Bingo and/or Pull Tab License Financial Report) for the periods September 1, 2000 to August 31, 2001 and September 1, 2001 to August 31, 2002 list its principal office address as 1017 W. 19th Street, Anderson, Indiana 46011. (Department's Exhibits #6 and 8).
- 8) Anderson's CG-8 (Indiana Annual Bingo and/or Pull Tab License Financial Report) for the period September 1, 2002 to August 31, 2003 list its principal office address as 425 Sylvan Drive, Anderson, Indiana 46012. (Department's Exhibit #11).
- 9) Anderson's CG-8s (Indiana Annual Bingo and/or Pull Tab License Financial Report) for the periods September 1, 2000 to August 31, 2001 and September 1, 2001 to August 31, 2002 lists as its address where the charity gaming financial records are maintained as 1017 W. 19th Street, Anderson, Indiana 46011. (Department's Exhibits #6 and 8).
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- 12) Anderson's CG-8 (Indiana Annual Bingo and/or Pull Tab License Financial Report) for the period September 1, 2001 to August 31, 2002 lists Petitioner as the name of the person maintaining their financial records. It also states that his address is 5083 Stonespring Way, Anderson, Indiana 46012. (Department's Exhibits #8).
- 13) Anderson's CG-8 (Indiana Annual Bingo and/or Pull Tab License Financial Report) for the period September 1, 2002 to August 31, 2003 lists Philip D. Foley (hereinafter referred to as Dr. Foley) as the name of the person maintaining their financial records. It also states that his address is 425 Sylvan Drive, Anderson, Indiana 46012. (Department's Exhibit #11).
- 14) The Department alleges that Anderson failed to report \$3,592,499 in gross revenue from the sale of pull tabs for the periods ending August 31st of 2001, 2002, and 2003. (Record at 147).

- 15) Dr. Foley signed Anderson's CG-2Rs (Annual Bingo Renewal Application) for the years 2001, 2002, and 2003. (Department's Exhibits #2, 3, and 4).
- 16) Dr. Foley signed Anderson's CG-8s (Indiana Annual Bingo and/or Pull Tab License Financial Report) for the accounting periods September 1, 2000 to August 31, 2001; September 1, 2001 to August 31, 2002; and September 1, 2002 to August 31, 2003. (Department's Exhibits #6, 8, and 11).
- 17) Sally Arnbo's signature appears on Anderson's CG-INV (Charity Gaming Ending Inventory Statement) for the period September 1, 2001 to August 31, 2002. (Department's Exhibits #8).
- 18) Sally Arnbo's signature appears on Anderson's CG-INV (Charity Gaming Ending Inventory Statement) for the period September 1, 2002 to August 31, 2003. (Department's Exhibits #11).
- 19) The Petitioner's signature only appears on Anderson's CG-DIST, (Indiana Department of Revenue Charitable Contribution Distribution Listing) as the preparer of the schedule, for the period September 1, 2002 to August 31, 2003. (Department's Exhibit #11).
- 20) During cross examination Sally Arnbo was asked,
"Q And the bingo applications and the reapplications that we had introduced into evidence earlier, did you fill those applications out?
A Pretty much, yes. In total, yes, pretty much, but not total.
Q What part didn't you fill out?
A Well, I didn't fill the distribution, the part that Dr. Foley gave to Tom. Other than that, I pretty much filled the rest of it out." (Record at 278).
- 21) Anderson's building was prone to water damage especially where the charity gaming supplies were kept as evidenced by Petitioner's Exhibits BB through KK.
- 22) Sally Arnbo, when asked, "how bad would you say the water problem was before the landlord made the repairs?" stated, "The water problem was terrible and we complained to him many, many times about it, showed it to him, you know, and said, you know, you've got water, you know, there were times when literally we could see it running and we put garbage cans up when it was dripping out of the ceiling, so it was bad. It was bad. Sometimes worse than other times. (Record at 241).
- 23) As many as two thousand (2,000) boxes of pull tabs were discarded in the trash. (Record at 239).
- 24) No inventory of discarded pull tabs was ever undertaken. (Record at 301).
- 25) The Department asked Sally Arnbo, "During the time that you had the losses from the spoiled pull tabs, did you ever consider asking the Department, 'How should I account for these?'" Ms. Arnbo responded, "No sir, I didn't. I asked the distributors, 'Would you take this back' and, or course, they wouldn't and I didn't know what else to do with them and I never thought about asking the Department, no." (Record at 289).
- 26) Sally Arnbo was asked the following:
Q Some of the income from some of the pull tabs was reported as bingo income?
A But as I explained, that was in 2000, 2001, you know, when this was a new ticket and at that point I didn't know where else to put it. I was not – I could not list it as total gross income, because I wasn't listing total gross income, I was listing profit. (Record at 294).
- 27) No one was held accountable for discarding of pull tabs in the trash. (Record at 302).
- 28) There was no financial oversight and no one questioned the discarding of pull tabs. (Record at 302).
- 29) Insurance to cover the loss of pull tabs was considered cost prohibitive. (Record at 303).
- 30) Moving to another location was never an option. (Record at 303).
- 31) The discarded boxes of pull tabs were not accounted for in Anderson's annual renewals or financial statements. (Record at 239-240).
- 32) Petitioner as an operator for a not-for-profit organization, licensed by the State of Indiana, allowed water damaged charity gaming supplies to be discarded by workers and other individuals without keeping any records as to which games or how much was destroyed. (Record at 239-240).
- 33) Lack of proper record keeping and reporting regarding lost, stolen, or destroyed games was the impetus behind the Department's initial investigation of Anderson.
- 34) Sally Arnbo did not reconstruct Anderson's pull tab records, Petitioner's Exhibits X, Y, and Z, until November of 2004. (Record at 301).
- 35) A serious reconstruction and reconciliation by Sally Arnbo of Anderson's charity gaming financial records did not occur until approximately two (2) years after the Department's initial investigation began.
- 36) The lack of proper financial record keeping and the failure to accurately report lost, stolen, destroyed, or giveaway games in its filings with the Department, resulted in as much as \$3,592,499 of underreported pull tabs for the periods ending August 31st of 2001, 2002, and 2003.
- 37) The Petitioner, Sally Arnbo, and Phillip Foley were the only individuals licensed by the State of Indiana as operators for Anderson. (Department's Exhibit #1).
- 38) The Petitioner as an operator for a not-for-profit organization, licensed by the State of Indiana, allowed charity gaming to

take place without a qualified operator being present. (Record at 200).

39) Ms. Broadwater admitted calling bingo, a job only an operator listed on a CG-13 (Annual Bingo License) is allowed to undertake pursuant to IC 4-32-6-17. (Record at 314-315).

40) Mr. Vanchina admitted calling bingo, a job only an operator listed on a CG-13 (Annual Bingo License) is allowed to undertake pursuant to IC 4-32-6-17. (Record at 322).

41) Calling bingo is when the operator of the bingo game announces a letter and number combination that has been drawn. (See IC 4-32-6-3).

42) Sally Arnbo contends that she requested Lori Broadwater's name be added as an operator on Anderson's charity gaming license. (Record at 274).

43) Sally Arnbo's unsigned letters dated January 12, 2004, February 27, 2004, and June 29, 2004 were introduced into evidence to show her belief that a lack of response by the Department to her requests was a tacit approval. (Petitioner's Exhibits WW, VV, and UU).

44) Petitioner's reliance upon the Department's silence is incorrect. An individual cannot undertake the duties of an operator unless their name appears upon the charity gaming license. If a qualified organization requests an individual be added to its license as an operator, the Department will add that person's name an issue a revised license if they meet the statutory requirements.

45) It is Petitioner's responsibility as an operator for a not-for-profit organization, licensed by the State of Indiana, to ensure that a qualified operator is always present during charity gaming events, and to make sure that only a qualified operator is allowed to run the charity gaming events.

46) Petitioner as an operator for a not-for-profit organization, licensed by the State of Indiana, failed to ensure that Ms. Broadwater's and Mr. Vanchina's names were added to Anderson's license and that the revised license would be posted pursuant to 45 IAC 18-2-4.

47) The Department's letter to Petitioner dated September 3, 2004 stated, "Dr. Philip Foley in an interview with the CID special agent stated Tom Arnbo was never a member of the organization."

48) Petitioner was listed as a member of Anderson's Board of Directors on a letter dated April 26, 1999 introduced into evidence as Petitioner's Exhibit P. Petitioner's name appears on Anderson's license to conduct charity gaming during the periods at issue. (See Department's Exhibits #2, 3, and 4). Petitioner's name appears on Anderson's CG-8 for the Period of September 1, 2000 to August 31, 2001. (See Department's Exhibit #6). Petitioner's name also appears on Anderson's CG-8 for the period September 1, 2001 to August 31, 2002 as the person maintaining the financial records and lists his address. (See Department's Exhibit #8). Petitioner's signature also appears on Anderson's CG-DIST for the period September 1, 2002 to August 31, 2003. (See Department's Exhibit #11). With Petitioner's name appearing on all these documents filed with the Department, and each document signed by Anderson's President, it is inconceivable that Petitioner could not be a member of the organization for the requisite period required by IC 4-32-9-28 to be considered an operator.

STATEMENT OF LAW

1) The Department's hearings are governed by IC 4-21.5 exclusively. (See IC 4-32-8-5. *As added by P.L.188-2003, SEC.3.*)

2) IC 4-21.5-3-25(b) provides in pertinent part, "The administrative law judge shall regulate the course of the proceedings in ...an informal manner without recourse to the technical, common law rules of evidence applicable to civil actions in the courts..."

3) IC 4-32-6-17 states, "'Operator' means an individual who is responsible for conducting an allowable event for a qualified organization under this article in accordance with Indiana law." *As added by P.L.24-1992, SEC.47.*

4) IC 4-32-9-23 states, "An operator or a worker may not be a person who has been convicted of or entered a plea of nolo contendere to a felony committed in the preceding ten (10) years, regardless of the adjudication, unless the department determines that:

- (1) the person has been pardoned or the person's civil rights have been restored; or
- (2) subsequent to the conviction or entry of the plea the person has engaged in the kind of good citizenship that would reflect well upon the integrity of the qualified organization and the department." *As added by P.L.24-1992, SEC.50.*

5) IC 4-32-12-1(a) provides in pertinent part, "The Department may suspend or revoke the license or levy a civil penalty against a qualified organization or an individual under this article..."

6) IC 4-32-12-2 states, "The department may impose upon a qualified organization or an individual the following civil penalties:

- (1) Not more than one thousand dollars (\$1,000) for the first violation.
- (2) Not more than two thousand five hundred dollars (\$2,500) for the second violation.
- (3) Not more than five thousand dollars (\$5,000) for each additional violation."

7) IC 4-32-12-3 states, In addition to the penalties described in section 2 of this chapter, the department may do all or any of the following:

- (1) Suspend or revoke the license.
- (2) Lengthen a period of suspension of the license.
- (3) Prohibit an operator or an individual who has been found to be in violation of this article from associating with charity

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gaming conducted by a qualified organization.

(4) Impose an additional civil penalty of not more than one hundred dollars (\$100) for each day the civil penalty goes unpaid.

CONCLUSIONS OF LAW

- 1) The purpose of Indiana's charity gaming statutes is to permit a licensed qualified charitable organization to conduct gambling as a fund raising activity for lawful purposes of the organization.
- 2) To this end, the Indiana Department of State Revenue is responsible for ensuring the security and integrity of the operation of games of chance under Article 32.
- 3) Pursuant to IC 4-32-9-17 a qualified organization shall maintain accurate records and reports of all financial aspects of an allowable event under Article 32.
- 4) The Petitioner allowed charity gaming to take place without a qualified operator being present.
- 5) Petitioner as an operator for a not-for-profit organization, licensed by the State of Indiana, was responsible for ensuring that a qualified operator was always present during charity gaming events, and to make sure that only a qualified operator was allowed to run the charity gaming events.
- 6) Petitioner as an operator for a not-for-profit organization, licensed by the State of Indiana, failed to ensure that Ms. Broadwater's and Mr. Vanchina's names were added to Anderson's license and that the revised license would be posted.
- 7) Petitioner as an operator for a not-for-profit organization, licensed by the State of Indiana, allowed water damaged charity gaming supplies to be thrown out by workers and other individuals without keeping any records as to which games or how much was destroyed.
- 8) The lack of proper financial record keeping and the failure to accurately report lost, stolen, destroyed, or giveaway games in its filings with the Department, resulted in as much as \$3,592,499 of underreported pull tabs for the periods ending August 31st of 2001, 2002, and 2003.
- 9) Petitioner's inability to accurately account for Anderson's lost, stolen, destroyed, or giveaway pull tabs is a direct reflection on how the organization is conducting its gaming. The burden cannot be shifted to the Department by arguing that its attempt at reconstruction is flawed. The burden rests with the Petitioner to show that the financial filings sent to the Department accurately reflect its fund raising activities. In this case they did not.
- 10) Pursuant to IC 4-32-12-3 the Department may prohibit an individual who has been found to be in violation of this article (IC 4-32) from associating with charity gaming conducted by a qualified organization.
- 11) IC 4-32-6-17 defines the term "Operator."
- 12) Petitioner was listed as an operator for Anderson during the periods at issue.
- 13) An operator is responsible for conducting an allowable event for a qualified organization under this article in accordance with Indiana law.
- 14) The Department, in its letter dated September 3, 2004, stated that the Petitioner will not be considered as an operator on any charity gaming application either now or in the future.
- 15) This is in effect a perpetual ban against Petitioner ever participating as an operator.
- 16) Even an individual, who has been convicted of or entered a plea of nolo contendere to a felony, may once again participate in charity gaming once the ten (10) year restriction has passed.
- 17) The Indiana Statutes and Administrative Rules governing charitable organizations and charity gaming do not provide for an unlimited suspension.
- 18) Therefore, the maximum length of suspension cannot exceed ten (10) years.

PROPOSED DEPARTMENTAL ORDER

Following due consideration of the entire record, the Administrative Law Judge orders the following:

The Department's decision to suspend Petitioner is hereby upheld. However, the Petitioner's suspension cannot exceed ten (10) years. The Department is therefore directed to modify Petitioner's suspension accordingly.

1) Administrative review of this proposed decision may be obtained by filing, with the Commissioner of the Indiana Department of State Revenue (100 North Senate Avenue, Room N248, Indianapolis, Indiana 46204-2253), a written document identifying the basis for each objection within fifteen (15) days after service of this proposed decision. IC 4-21.5-3-29(d).

2) Judicial review of a final order may be sought under IC 4-21.5-5.

THIS PROPOSED DEPARTMENTAL ORDER SHALL BECOME THE FINAL ORDER OF THE INDIANA DEPARTMENT OF STATE REVENUE UNLESS OBJECTIONS ARE FILED WITHIN FIFTEEN (15) DAYS FROM THE DATE THE ORDER IS SERVED ON THE PETITIONER.

Dated: _____

Bruce R. Kolb / Administrative Law Judge

DEPARTMENT OF STATE REVENUE

IN REGARDS TO THE MATTER OF:

**SALLY ARNBO
5083 STONESPRING WAY
ANDERSON, IN 46012
DOCKET NO. 29-2004-0338-B**

**FINDINGS OF FACT, CONCLUSIONS OF
LAW AND PROPOSED DEPARTMENTAL ORDER**

An administrative hearing was held on Monday, January 31, 2005 and Tuesday, February 1, 2005 in the office of the Indiana Department of State Revenue, 100 N. Senate Avenue, Room N248, Indianapolis, Indiana 46204 before Bruce R. Kolb, Administrative Law Judge acting on behalf of and under the authority of the Commissioner of the Indiana Department of State Revenue.

Petitioner, Sally Arnbo, was represented by Marilyn A. Moores and Arend J. Abel of Cohen & Mallad, LLP, One Indiana Square, Suite 1400, Indianapolis, Indiana 46204. Attorney Doug Klitzke appeared on behalf of the Indiana Department of State Revenue.

A hearing was conducted pursuant to IC 4-21.5 et seq., evidence was submitted, and testimony given. The Department maintains a record of the proceedings. The transcript of the hearing was received by the Administrative Law Judge on February 24, 2005. A Supplemental Brief from the Department was received on March 18, 2005. A Supplemental Brief on behalf of the Petitioner was received on April 2, 2005. Being duly advised and having considered the entire record, the Administrative Law Judge makes the following Findings of Fact, Conclusions of Law, and Proposed Departmental Order.

REASON FOR HEARING

An investigation was conducted by the Criminal Investigation Division of the Indiana Department of Revenue and was completed on June 15, 2004. The Department issued a letter to Petitioner dated September 3, 2004, which stated, “[T]here has been a failure by the licensed operators, Tom & Sally Arnbo, to properly carry out their responsibilities of supervising the charity gaming operations of Anderson Hoop Shooters, Inc....Tom & Sally Arnbo will not be considered as “operators” on any charity gaming application either now or in the future.” The Petitioner protested the Department’s decision in a timely manner.

FINDINGS OF FACTS

- 1) The Criminal Investigation Division of the Indiana Department of Revenue (hereinafter referred to as Department) conducted an investigation of Anderson Hoop Shooters, Inc. and Petitioner in 2002. (Record at 113).
- 2) Anderson Hoop Shooters, Inc. (hereinafter referred to as Anderson) runs Slam Dunk Bingo. (Record at 31).
- 3) Slam Dunk Bingo was located at 121 Federal Drive, Chesterfield, Indiana 46017. (Department’s Exhibit #1).
- 4) Petitioner was listed as an operator for Anderson during the periods at issue. (Department’s Exhibits #2, 3, and 4).
- 5) An operator is responsible for conducting an allowable event for a qualified organization under this article in accordance with Indiana law. (See IC 4-32-6-17).
- 6) Anderson’s CG-8s (Indiana Annual Bingo and/or Pull Tab License Financial Report) for the periods September 1, 2000 to August 31, 2001 and September 1, 2001 to August 31, 2002 list its principal office address as 1017 W. 19th Street, Anderson, Indiana 46011. (Department’s Exhibits #6 and 8).
- 7) Anderson’s CG-8 (Indiana Annual Bingo and/or Pull Tab License Financial Report) for the period September 1, 2002 to August 31, 2003 list its principal office address as 425 Sylvan Drive, Anderson, Indiana 46012. (Department’s Exhibit #11).
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- 12) Anderson’s CG-8 (Indiana Annual Bingo and/or Pull Tab License Financial Report) for the period September 1, 2002 to August 31, 2003 lists Philip D. Foley (hereinafter referred to as Dr. Foley) as the name of the person maintaining these financial records. It also states that his address is 425 Sylvan Drive, Anderson, Indiana 46012. (Department’s Exhibit #11).
- 13) The Department alleges that Anderson failed to report \$3,592,499 in gross revenue from the sale of pull tabs for the periods ending August 31st of 2001, 2002, and 2003. (Record at 147).
- 14) Dr. Foley signed Anderson’s CG-2Rs (Annual Bingo Renewal Application) for the years 2001, 2002, and 2003.

(Department's Exhibits #2, 3, and 4).

15) Dr. Foley signed Anderson's CG-8s (Indiana Annual Bingo and/or Pull Tab License Financial Report) for the accounting periods September 1, 2000 to August 31, 2001; September 1, 2001 to August 31, 2002; and September 1, 2002 to August 31, 2003. (Department's Exhibits #6, 8, and 11).

16) Tom Arnbo's signature only appears on Anderson's CG-DIST, (Indiana Department of Revenue Charitable Contribution Distribution Listing) as the preparer of the schedule, for the period September 1, 2002 to August 31, 2003. (Department's Exhibit #11).

17) Petitioner's signature appears on Anderson's CG-INV (Charity Gaming Ending Inventory Statement) for the period September 1, 2001 to August 31, 2002. (Department's Exhibits #8).

18) Petitioner's signature appears on Anderson's CG-INV (Charity Gaming Ending Inventory Statement) for the period September 1, 2002 to August 31, 2003. (Department's Exhibits #11).

19) During cross examination Petitioner was asked,

“Q And the bingo applications and the reapplications that we had introduced into evidence earlier, did you fill those applications out?

A Pretty much, yes. In total, yes, pretty much, but not total.

Q What part didn't you fill out?

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21) Petitioner, when asked, “how bad would you say the water problem was before the landlord made the repairs?” stated, “The water problem was terrible and we complained to him many, many times about it, showed it to him, you know, and said, you know, you've got water, you know, there were times when literally we could see it running and we put garbage cans up when it was dripping out of the ceiling, so it was bad. It was bad. Sometimes worse than other times. (Record at 241).

22) Petitioner testified under oath that as many as two thousand (2,000) boxes of pull tabs were discarded in the trash. (Record at 239).

23) Petitioner testified under oath that no inventory of discarded pull tabs was ever undertaken. (Record at 301).

24) The Department asked the Petitioner, “During the time that you had the losses from the spoiled pull tabs, did you ever consider asking the Department, ‘How should I account for these?’” Petitioner responded, “No sir, I didn't. I asked the distributors, ‘Would you take this back’ and, or course, they wouldn't and I didn't know what else to do with them and I never thought about asking the Department, no.” (Record at 289).

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33) Petitioner did not reconstruct Anderson's pull tab records, Petitioner's Exhibits X, Y, and Z, until November of 2004. (Record at 301).

34) A serious reconstruction and reconciliation by Petitioner of Anderson's charity gaming financial records did not occur until approximately two (2) years after the Department's initial investigation began.

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36) The Petitioner, Tom Arnbo, and Phillip Foley were the only individuals licensed by the State of Indiana as operators for Anderson. (Department's Exhibit #1).

- 37) The Petitioner as an operator for a not-for-profit organization, licensed by the State of Indiana, allowed charity gaming to take place without a qualified operator being present. (Record at 200).
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- 39) Mr. Vanchina admitted calling bingo, a job only an operator listed on a CG-13 (Annual Bingo License) is allowed to undertake pursuant to IC 4-32-6-17. (Record at 322).
- 40) Calling bingo is when the operator of the bingo game announces a letter and number combination that has been drawn. (See IC 4-32-6-3).
- 41) Petitioner contends that she requested Lori Broadwater's name be added as an operator on Anderson's charity gaming license. (Record at 274).
- 42) Petitioner's unsigned letters dated January 12, 2004, February 27, 2004, and June 29, 2004 were introduced into evidence to show her belief that a lack of response by the Department to her requests was a tacit approval. (Petitioner's Exhibits WW, VV, and UU).
- 43) Petitioner's reliance upon the Department's silence is incorrect. An individual cannot undertake the duties of an operator unless their name appears upon the charity gaming license. If a qualified organization requests an individual be added to its license as an operator, the Department will add that person's name an issue a revised license if they meet the statutory requirements.
- 44) It is Petitioner's responsibility as an operator for a not-for-profit organization, licensed by the State of Indiana, to ensure that a qualified operator is always present during charity gaming events, and to make sure that only a qualified operator is allowed to run the charity gaming events.
- 45) Petitioner as an operator for a not-for-profit organization, licensed by the State of Indiana, failed to ensure that Ms. Broadwater's and Mr. Vanchina's names were added to Anderson's license and that the revised license would be posted pursuant to 45 IAC 18-2-4.

STATEMENT OF LAW

- 1) The Department's hearings are governed by IC 4-21.5 exclusively. (See IC 4-32-8-5. *As added by P.L.188-2003, SEC.3.*)
- 2) IC 4-21.5-3-25(b) provides in pertinent part, "The administrative law judge shall regulate the course of the proceedings in ...an informal manner without recourse to the technical, common law rules of evidence applicable to civil actions in the courts..."
- 3) IC 4-32-6-17 states, "'Operator' means an individual who is responsible for conducting an allowable event for a qualified organization under this article in accordance with Indiana law." *As added by P.L.24-1992, SEC.47.*
- 4) IC 4-32-9-23 states, "An operator or a worker may not be a person who has been convicted of or entered a plea of nolo contendere to a felony committed in the preceding ten (10) years, regardless of the adjudication, unless the department determines that:
- (1) the person has been pardoned or the person's civil rights have been restored; or
 - (2) subsequent to the conviction or entry of the plea the person has engaged in the kind of good citizenship that would reflect well upon the integrity of the qualified organization and the department." *As added by P.L.24-1992, SEC.50.*
- 5) IC 4-32-12-1(a) provides in pertinent part, "The Department may suspend or revoke the license or levy a civil penalty against a qualified organization or an individual under this article..."
- 6) IC 4-32-12-2 states, "The department may impose upon a qualified organization or an individual the following civil penalties:
- (1) Not more than one thousand dollars (\$1,000) for the first violation.
 - (2) Not more than two thousand five hundred dollars (\$2,500) for the second violation.
 - (3) Not more than five thousand dollars (\$5,000) for each additional violation."
- 7) IC 4-32-12-3 states, In addition to the penalties described in section 2 of this chapter, the department may do all or any of the following:
- (1) Suspend or revoke the license.
 - (2) Lengthen a period of suspension of the license.
 - (3) Prohibit an operator or an individual who has been found to be in violation of this article from associating with charity gaming conducted by a qualified organization.
 - (4) Impose an additional civil penalty of not more than one hundred dollars (\$100) for each day the civil penalty goes unpaid.

CONCLUSIONS OF LAW

- 1) The purpose of Indiana's charity gaming statutes is to permit a licensed qualified charitable organization to conduct gambling as a fund raising activity for lawful purposes of the organization.
- 2) To this end, the Indiana Department of State Revenue is responsible for ensuring the security and integrity of the operation of games of chance under Article 32.
- 3) Pursuant to IC 4-32-9-17 a qualified organization shall maintain accurate records and reports of all financial aspects of an allowable event under Article 32.

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- 4) The Petitioner allowed charity gaming to take place without a qualified operator being present.
- 5) Petitioner as an operator for a not-for-profit organization, licensed by the State of Indiana, was responsible for ensuring that a qualified operator was always present during charity gaming events, and to make sure that only a qualified operator was allowed to run the charity gaming events.
- 6) Petitioner as an operator for a not-for-profit organization, licensed by the State of Indiana, failed to ensure that Ms. Broadwater's and Mr. Vanchina's names were added to Anderson's license and that the revised license would be posted.
- 7) Petitioner as an operator for a not-for-profit organization, licensed by the State of Indiana, allowed water damaged charity gaming supplies to be thrown out by workers and other individuals without keeping any records as to which games or how much was destroyed.
- 8) The lack of proper financial record keeping and the failure to accurately report lost, stolen, destroyed, or giveaway games in its filings with the Department, resulted in as much as \$3,592,499 of underreported pull tabs for the periods ending August 31st of 2001, 2002, and 2003.
- 9) Petitioner's inability to accurately account for Anderson's lost, stolen, destroyed, or giveaway pull tabs is a direct reflection on how the organization is conducting its gaming. The burden cannot be shifted to the Department by arguing that its attempt at reconstruction is flawed. The burden rests with the Petitioner to show that the financial filings sent to the Department accurately reflect its fund raising activities. In this case they did not.
- 10) Pursuant to IC 4-32-12-3 the Department may prohibit an individual who has been found to be in violation of this article (IC 4-32) from associating with charity gaming conducted by a qualified organization.
- 11) IC 4-32-6-17 defines the term "Operator."
- 12) Petitioner was listed as an operator for Anderson during the periods at issue.
- 13) An operator is responsible for conducting an allowable event for a qualified organization under this article in accordance with Indiana law.
- 14) The Department, in its letter dated September 3, 2004, stated that the Petitioner will not be considered as an operator on any charity gaming application either now or in the future.
- 15) This is in effect a perpetual ban against Petitioner ever participating as an operator.
- 16) Even an individual, who has been convicted of or entered a plea of nolo contendere to a felony, may once again participate in charity gaming once the ten (10) year restriction has passed.
- 17) The Indiana Statutes and Administrative Rules governing charitable organizations and charity gaming do not provide for an unlimited suspension.
- 18) Therefore, the maximum length of suspension cannot exceed ten (10) years.

PROPOSED DEPARTMENTAL ORDER

Following due consideration of the entire record, the Administrative Law Judge orders the following:

The Department's decision to suspend Petitioner is hereby upheld. However, the Petitioner's suspension cannot exceed ten (10) years. The Department is therefore directed to modify Petitioner's suspension accordingly.

- 1) Administrative review of this proposed decision may be obtained by filing, with the Commissioner of the Indiana Department of State Revenue (100 North Senate Avenue, Room N248, Indianapolis, Indiana 46204-2253), a written document identifying the basis for each objection within fifteen (15) days after service of this proposed decision. IC 4-21.5-3-29(d).
- 2) Judicial review of a final order may be sought under IC 4-21.5-5.

THIS PROPOSED DEPARTMENTAL ORDER SHALL BECOME THE FINAL ORDER OF THE INDIANA DEPARTMENT OF STATE REVENUE UNLESS OBJECTIONS ARE FILED WITHIN FIFTEEN (15) DAYS FROM THE DATE THE ORDER IS SERVED ON THE PETITIONER.

Dated: _____

Bruce R. Kolb / Administrative Law Judge

DEPARTMENT OF STATE REVENUE

04-980171.LOF

LETTER OF FINDINGS NUMBER: 98-0171

Sales/Use Tax

For the Period: 1994-1996

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Sales/Use Tax: Sales/Use Tax Remittance

Authority: IC 6-2.5-4-10; IC 6-2.5-9-3; IC 6-8.1-5-1.

Taxpayer protests the Department's proposed assessment of sales tax on leased vehicles; the taxpayer also protests the proposed assessment of use tax on mailings.

STATEMENT OF FACTS

The taxpayer is an automobile dealer that sells new and used cars and trucks. More facts will be provided below.

I. Sales/Use Tax: Sales/Use Tax Remittance

DISCUSSION

The taxpayer protested a handful of issues, many of which were resolved before the hearing stage of the protest. The following were resolved: a sales tax adjustment attributable to the value of vehicle trade-ins on leased vehicles; an error in the calculation of use tax on consumable supplies; use tax on three items; and a portion of the sales tax on trade-in capital cost reductions. Two issues were not resolved and are dealt with in what follows.

The taxpayer states the following in correspondence with the Department.

To briefly summarize, the Company leases vehicles to customers. Typically in such a transaction, the dealership will collect the following from the customer: security deposit, first month lease and a cash down payment (capital cost reduction). The dealer collects sales tax on the first month lease and the cash down payment.

The taxpayer goes on to explain that it (*i.e.*, the dealer) "remitted [sales tax] to the Leasing Company. The leasing company in turn remitted the sales tax in question to the Indiana Department of Revenue."

The auditor describes the issue thusly:

The taxpayer stated that [Company X] Finance Corporation has remitted the taxes on these transactions. The cash down payments in question are part of leases financed through [Company X] Finance Corporation. No documentation was provided by the taxpayer to verify that [Company X] Finance remitted the correct tax on these transactions. However a letter was provided by [Company X] Finance stating the tax was paid.

And further:

The taxpayer collected tax from the customer on these amounts but failed to remit the tax. The taxpayer stated that [Company X] subtracts the tax payments from the payoff on the deal and remits the tax on these cash down payments together with tax collected from monthly lease payments.

The auditor went on to state that as a "retail merchant" the taxpayer "has a duty to remit all taxes collected from customers held in trust for the state."

At hearing the taxpayer argued that the lease is between the customer and the finance company, that the taxpayer (dealership) does not contract with the customer. Taxpayer also noted that at the end of the lease, it is the finance company's car, not the dealer's.

Indiana Code 6-2.5-4-10(a) states that, "A person, other than a public utility, is a retail merchant making a retail transaction when he rents or leases tangible personal property to another person," and IC 6-2.5-9-3 says state gross retail or use taxes are held in "trust for the state."

The taxpayer has not cited any statute or regulation that would allow it to collect Indiana sales tax and delegate the duty to remit the tax. Under IC 6-8.1-5-1 the taxpayer bears the "burden of proving that the proposed assessment is wrong," and the "proposed assessment is prima facie evidence that the department's claim for the unpaid tax is valid." The taxpayer has not met its burden of proof.

In addition, from the file, it is not clear whether or not the taxpayer withdrew its protest of the issue involving use tax on mailings. At hearing the taxpayer did not develop any arguments on the issue. The taxpayer had previously submitted to the Department an invoice from a vendor to support its position. That invoice was for a later time than the audit period.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

04-20020334.LOF

LETTER OF FINDINGS: 02-0334

Indiana Gross Retail Tax

For Tax Periods 1999-2000

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUES

I. Gross Retail Tax—Manufacturing exemption

Authority: Ind. Code § 6-2.5-5-3; 45 IAC 2.2-5-8

Taxpayer argues that a crane, repair and maintenance parts for the crane, certain equipment used to remove non-ferrous items from metal, and various other items related to its operations are exempt as property used in production.

II. Tax Administration: Negligence Penalty

Authority: IC 6-8.1-10-2.1; 45 IAC 15-11-2

Taxpayer protests the assessment of a negligence penalty.

STATEMENT OF FACTS

Taxpayer is a business engaged in receiving scrap metal from various sources. Basically, Taxpayer's operations work along these lines: a truck with potential metal for Taxpayer's use arrives at its facility. After weighing, the truck's cargo is then tested for radioactive material. If the material is not radioactive, it is then sorted by crane into metal type (or non-metal type), including a separate pile for certain items not capable of shredding. Any metals then have non-ferrous parts removed, and then the metal proceeds to ultimate shredding. The shredded metals are then sold to users that use the metal in the users' ordinary course of business.

Taxpayer was assessed use tax with respect to aforementioned crane, various items used in the maintenance and repair of the crane, along with other materials used in removing nonferrous materials from metals and cutting metals and items which were not assigned to specific expense accounts. Taxpayer has protested the assessment and resulting negligence penalties.

DISCUSSION

I. Gross Retail Tax—Manufacturing exemption

Taxpayer argues that a crane used for removing scrap metal from trucks, along with various welding and other materials used in removing nonferrous items from metal, are exempt from Indiana's gross retail (sales) tax as property used in the production of other tangible personal property.

Under Ind. Code § 6-2.5-5-3(b):

Transactions involving manufacturing machinery, tools, and equipment are exempt from the state gross retail tax if the person acquiring that property acquires it for direct use in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property.

In addition, 45 IAC 2.2-5-8(c) states:

The state gross retail tax does not apply to purchases of manufacturing machinery, tools, and equipment to be directly used by the purchaser in the production process provided that such machinery, tools, and equipment are directly used in the production process; i.e., they have an immediate effect on the article being produced. Property has an immediate effect on the article being produced if it is an essential and integral part of an integrated process which produces tangible personal property.

Finally, 45 IAC 2.2-5-8(k) states:

"Direct production, manufacture, fabrication, assembly, or finishing of tangible personal property" is performance of a series of operations which places tangible personal property in a form, composition, or character different from that in which it was acquired. The change in form, composition, or character must be a substantial change, and it must result in a transformation of property into a different product having a distinctive name, character, and use. Operations such as compounding, fabricating, or assembling are illustrative of the types of operations which may qualify under this definition.

This test requires two steps: direct use and direct production of other tangible personal property. At this point, a series of questions must be addressed. What is the role of the equipment? Is this role an integral part of the process of producing tangible personal property? Is the property changed as a result of the equipment?

Taxpayer argues that the crane used in sorting various metals and other materials qualifies for exemption for use tax based on its use in the production of other tangible personal property. In particular, Taxpayer argues that its production process begins at the moment that Taxpayer tests incoming trucks for radioactivity.

Here, it is difficult to describe the role of the crane as a part of an integrated process that results in the production of other tangible personal property. Most instructive of various examples is 45 IAC 2.2-5-8(c)(4)(G) which states:

4) Because of the lack of an essential and integral relationship with the integrated production system in Example (1), the following types of equipment are not exempt:

...

(G) Equipment used to remove raw materials from storage prior to introduction into the production process or to move finished products from the last step of production.

The role of the crane is to pick out parts from a truck that would bring varied materials into Taxpayer's scrap yard, and then sorts the materials into acceptable items, unacceptable items, and items that require further work. The steps taken by Taxpayer at this point do not transform the metal as required by the regulation. Rather, the crane is moving the metal from storage-a delivery truck- to some future stage. This does not constitute part of an "essential and integrated relationship with the integrated production system". Until the metal is shredded or otherwise acted upon in a manner that otherwise transforms it, production has not begun. Accordingly, Taxpayer's protest is denied.

With respect to the various items used in maintenance of the crane, it is true that the repair and maintenance supplies for the

crane are exempt from sales tax- if the crane is part of the process that produces other tangible personal property under 45 IAC 2.2-5-8(h)(2). Given that the crane is not used in the production of other property, the resulting repair and maintenance parts are not exempt.

With respect to the items used in removing nonferrous items from metal or cutting metal given to Taxpayer, Taxpayer has presented sufficient information to conclude that the production of other property begins at this point for the nonferrous items, and therefore the items in controversy, to the extent the items are used for nonferrous items, are exempt from sales tax.

Finally, Taxpayer protests several items that were not assigned to specific expense accounts, stating that the items were also used in production. Taxpayer has not provided sufficient information to conclude that those items were used in an exempt manner, and is accordingly denied.

FINDING

Taxpayer's protest is denied with respect to the crane, repair parts for the crane, maintenance parts for the crane and any other items that transport metals that need no further work prior to shredding. Taxpayer's protest is sustained with respect to items that relate to removing nonferrous items from metals and cutting metals it receives, and tangible personal property used on such metals after the removal of nonferrous materials. Taxpayer's protest is denied to items that were not assigned to a specific expense account due to insufficient information.

II. Tax Administration: Negligence Penalty

The Department may impose a ten percent (10%) negligence penalty. IC 6-8.1-10-2.1 and 45 IAC 15-11-2. Taxpayer's failure to timely file income tax returns, generally, will result in penalty assessment. IC 6-8.1-10-2.1(a)(1). The Department, however, may waive this penalty if the taxpayer can establish that its failure to file "was due to reasonable cause and not due to negligence." 45 IAC 15-11-2(c). A taxpayer may demonstrate reasonable cause by showing "that it exercised ordinary business care and prudence in carrying out or failing to carry out a duty giving rise to the penalty imposed...." *Id.*

With respect to the penalty, Taxpayer has not provided sufficient information to permit penalty waiver.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0120020573.LOF

LETTER OF FINDINGS NUMBER: 02-0573

**Adjusted Gross Income Tax
For the Tax Period 1998**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

1. Adjusted Gross Tax-Imposition

Authority: IC 6-8.1-5-1(b), IC 6-3-2-1(a), IC 6-3-2-2.5(a).

The taxpayer protests the assessment of adjusted gross income tax on certain receipts.

STATEMENT OF FACTS

The taxpayer is a married couple. They filed their Indiana tax return and paid their total Indiana adjusted gross income tax liability for 1996-1998. Subsequently the Internal Revenue Service audited the taxpayer's federal return for the years 1996-1998. The audit resulted in two adjustments increasing the taxpayer's federal adjusted gross income tax liability. The taxpayer paid one liability and negotiated a settlement with the Internal Revenue Service (IRS) to satisfy the other federal liability. The IRS notified the Indiana Department of Revenue (department) of the federal audit adjustments for the three year period. The department then recalculated the taxpayer's Indiana income tax liability based upon the federal changes for the tax year 1998. The taxpayer agreed with one of the adjustments and paid the resulting tax liability. The taxpayer protested the assessment of tax, interest, and penalty based on the other adjustment. A hearing was held and this Letter of Findings results.

1. Adjusted Gross Income Tax-Imposition

DISCUSSION

As a result of the IRS audit, the taxpayer's federal adjusted gross income was changed for the years 1996-1998. Since the Indiana adjusted gross income is determined by modifying the federal adjusted gross income tax, the change in the federal adjusted gross income tax required a corresponding change in the Indiana adjusted gross income tax. The taxpayer did not make this change and amend its returns for the years of the federal tax audit. The department became aware of the federal adjustments and made the corresponding adjustment in the taxpayer's Indiana gross income for 1998. The adjustment in the taxpayer's Indiana adjusted gross income resulted in a deficiency of Indiana income taxes paid in 1998. The department's recomputation of the 1998 income tax based upon the adjusted Indiana adjusted gross income tax was proper.

Nonrule Policy Documents

After the federal audit, the taxpayer filed an action against the IRS to recover the additional federal income taxes it paid pursuant to the audit. This lawsuit was settled with the United States Government refunding the taxpayer fifty percent (50 %) of the taxes they had paid as a result of the audit. The taxpayer argues that since they settled with the IRS for fifty (50) cents on the dollar, the department should correspondingly reduce their Indiana adjusted gross income tax liability by fifty percent (50%).

All department assessments are prima facie evidence that the taxes are owed by the taxpayer who has the burden of proving that the assessment is incorrect. IC 6-8-1-5-1(b). Indiana imposes the adjusted gross income tax on Indiana residents. IC 6-3-2-1(a). The Indiana adjusted gross income is calculated by starting with the federal adjusted gross income and making certain statutory modifications. IC 6-2-2.5(a).

The department disagrees with the taxpayer's conclusions. The settlement documents presented in association with the hearing give no indication that the IRS ever actually reduced the taxpayer's federal adjusted gross income. Rather, the settlement documents states specifically that the parties are "willing to settle this matter for fifty (50%) percent of the amount paid, plus statutory interest from January 2, 2002." At no point does the settlement documentation indicate that the taxpayer's actual federal adjusted gross income was reduced.

The department properly calculated the taxpayer's Indiana adjusted gross income tax based upon the taxpayer's federal adjusted gross income as reflected in the Revenue Agent's Report associated with the federal adjusted gross income tax audit for the tax year 1998.

FINDING

The taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0420030355.LOF

LETTER OF FINDINGS NUMBER 03-0355

RESPONSIBLE OFFICER

SALES TAX and WITHHOLDING TAX

For Tax Period 1993-1999

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning specific issues.

ISSUE

Sales and Withholding Tax -Responsible Officer Liability

Authority: IC 6-2.5-9-3, IC 6-3-4-8 (f), IC 6-8.1-5-1 (b), *Ball v. Indiana Department of Revenue*, 525 N.E.2d 356, affirmed 563 N.E.2d 522 (1988).

The taxpayer protests the assessment of responsible officer liability for unpaid corporate sales and withholding taxes.

STATEMENT OF FACTS

The taxpayer was the president of a corporation that did not remit the proper amount of sales and withholding taxes to Indiana for the tax period 1993-1999. The Indiana Department of Revenue (department) assessed the outstanding corporate withholding and sales taxes, interest, and penalty against the taxpayer personally. The taxpayer protested the assessment. The assessments for June, 1999 were cancelled by the department prior to the hearing which was held on March 7, 2005. This Letter of Findings results.

Sales and Withholding Tax-Responsible Officer Liability

DISCUSSION

The proposed sales tax liability was issued under authority of IC 6-2.5-9-3 that provides as follows:

An individual who:

(1) is an individual retail merchant or is an employee, officer, or member of a corporate or partnership retail merchant; and

(2) has a duty to remit state gross retail or use taxes to the department;

holds those taxes in trust for the state and is personally liable for the payment of those taxes, plus any penalties and interest attributable to those taxes, to the state.

The proposed withholding taxes were assessed against the taxpayer pursuant to IC 6-3-4-8(f), which provides that "In the case of a corporate or partnership employer, every officer, employee, or member of such employer, who, as such officer, employee, or member is under a duty to deduct and remit such taxes shall be personally liable for such taxes, penalties, and interest."

Indiana Department of Revenue assessments are prima facie evidence that the tax assessment is correct. The taxpayer bears the burden of proving that the assessment is incorrect. IC 6-8.1-5-1 (b).

First the taxpayer argued that the amounts assessed were incorrect. The taxpayer provided the department with copies of several checks in support of this contention. The department traced these checks and determined that each had been properly applied to the

taxpayer's liabilities. The taxpayer was given full credit for the payments. The other documentation submitted by the taxpayer was not in a form that the department could trace. The taxpayer did not provide documentation sufficient to sustain his burden of proving that the assessments were calculated incorrectly.

The taxpayer also argued that it was unnecessarily duplicative and redundant for the department to assess the corporate taxes against him personally. The taxpayer contended that he had already taken personal responsibility for the taxes and was currently paying \$100.00 per month to satisfy the corporate liability. Therefore there was no need for the state to go through the administrative procedures of officially assessing the unpaid corporate taxes against him personally.

The taxpayer offered the case of *Ball v. Indiana Department of Revenue*, 525 N.E.2d 356, affirmed 563 N.E.2d 522 (1988) in support of his contention. In that case, the department issued a notice for payment of trust fund taxes to a corporation. Several years later the department assessed those same trust taxes personally against Mr. Ball. He argued that he was denied due process because the department failed to give him notice of the tax assessment at the same time that notice was originally sent to the corporation. The Court held that separate and additional notice to the responsible officer of a corporation liable for trust fund taxes is not required where there is timely notice to the corporation of the assessment. Therefore the corporate trust fund tax assessment against Mr. Ball did not violate the Statute of Limitations or Mr. Ball's due process rights.

The taxpayer argues that there is no question that he knew of the trust tax assessment against the corporation. Further the taxpayer argues that he has assumed responsibility for the payment of the trust fund taxes as evidenced by his monthly payments on the outstanding liability. Therefore it was redundant and unduly duplicative for the department to bill him individually for the corporate trust taxes as a responsible officer.

The department agrees that it is not necessary for the department to bill the responsible officer separately for trust fund taxes. However, nothing precludes the department from doing so. In fact, the Court in the *Ball* case had the opportunity to say that the department could not personally assess Mr. Ball. The Court did not do so. Rather it agreed that the personal assessment against Mr. Ball for the trust taxes was proper.

Although the department is not required to assess corporate trust fund taxes personally against responsible parties, the department may do so pursuant to IC 6-2.5-9-3 and IC 6-3-4-8 (f). In this case, the department chose to assess the corporate trust fund taxes personally against the taxpayer. The taxpayer failed to sustain his burden of proving that it was an inappropriate assessment.

FINDING

The taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0420030391.LOF

LETTER OF FINDINGS NUMBER: 03-0391

SALES TAX

For Years 2000 and 2001

NOTICE: Under Ind. Code § 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Sales Tax—Assessment of Sales Tax on sales to an “out-of-state” customer

Authority: IC 6-8.1-5-1(b); IC 6-2.5-2-1; IC 6-2.5-8-8; IC 6-2.5-3-7; IC 6-2.5-6-7; IC 6-2.5-4-1(e).

Taxpayer protests the assessment of sales tax on sales Taxpayer claims were made to an out-of-state customer.

II. Use Tax—Assessment of Use Tax on Forklift

Authority: IC 6-2.5-3-2(a); IC 6-2.5-3-3; IC 6-2.5-3-4; IC 6-2.5-3-5; IC 6-2.5-5-3; IC 6-8.1-5-1(b).

Taxpayer protests the assessment of use tax on forklift used at its facility.

STATEMENT OF FACTS

Taxpayer operates an Indiana location that sells masonry stones to various contractors. Taxpayer purchases limestone blocks and processes the raw material according to each customer's specifications—which includes cutting the blocks to various sizes.

Taxpayer engaged in retail transactions with an out-of-state company and did not charge sales tax. The out-of-state customer picked up the tangible personal property at Taxpayer's Indiana location and used the materials to complete a job at an Indiana worksite. The customer was not registered as an Indiana retail merchant and did not issue an Indiana exemption certificate. The Department assessed Taxpayer for the sales tax that was not collected.

Taxpayer purchased a forklift, which is used to move and hold limestone slabs. The auditor determined that the forklift was not used in an exempt manner and the Department assessed use tax.

I. Sales Tax—Assessment of Sales Tax on sales to “out-of-state” customers

DISCUSSION

All tax assessments are presumed to be accurate; the taxpayer bears the burden of proving that an assessment is incorrect. IC 6-8.1-5-1(b). IC 6-2.5-2-1 imposes an excise tax, commonly known as sales tax, on retail transactions made in Indiana. The person who acquires property in a retail transaction is liable for the sales tax due on the transaction and is required to pay the tax to the retail merchant. *Id.* The retail merchant is required to collect the tax as agent for the state. *Id.* IC 6-2.5-8-8 states that a person who makes a purchase which is exempt from the sales or use taxes may issue an exemption certificate to the seller to not be charged the tax. The person is required to provide the seller with a valid Indiana exemption certificate prescribed and approved by the Department. *See id.* A seller who accepts a proper exemption certificate has no duty to collect or remit the sales or use tax that otherwise would be due on that purchase. *Id.* IC 6-2.5-3-7 states that a person who acquires tangible personal property from a retail merchant for delivery in Indiana is presumed to have acquired the property for storage, use, or consumption in Indiana, unless the person or the retail merchant can produce evidence to rebut that presumption. A retail merchant is not required to produce evidence of non-taxability if the retail merchant receives a valid Indiana exemption certificate from the person who acquired the property. *See id.* IC 6-2.5-6-7 requires a retail merchant to pay to the Department the sales tax due on taxable transactions regardless of whether the merchant actually collected the sales tax due.

Here is the concise summation of the statutes outlined above. When a person makes a purchase in Indiana, he is required to pay the sales tax to the merchant. The merchant is required to collect the sales tax, and must charge the sales tax unless the merchant receives a valid Indiana exemption certificate from the person making the purchase. A merchant is required to submit the sales tax due on taxable purchases, whether or not the merchant collected the sales tax due.

In this case, Taxpayer states that it was given an exemption certificate issued by the State of Illinois. Taxpayer received an order from an Illinois customer. Taxpayer prepared the order and the Illinois customer came to Taxpayer’s location in Indiana and hauled away the purchase in the customer’s own truck.

Taxpayer is required to collect sales tax on all sales that are delivered in Indiana. Taxpayer is not to consider from where a customer comes—but is to determine where the transfer of property is made. If the transfer is made in Indiana, sales tax is due. The only exemption certificates that are valid to abate the collection of Indiana sales tax are those exemption certificates that are approved by the Indiana Department of Revenue; an Illinois certificate does not meet this requirement. For this reason, Taxpayer is liable for the sales tax that it should have collected but did not. Under Indiana statute, a transfer of property occurs at the point where Taxpayer no longer has control of and liability for the property. *See* IC 6-2.5-4-1(e). In this case, Taxpayer transferred the property to the Illinois customer at Taxpayer’s Indiana location, from where the customer drove away with the property.

FINDING

For the reasons stated above, Taxpayer’s protest is denied.

II. Use Tax—Assessment of Use Tax on Forklift

DISCUSSION

IC 6-2.5-3-2(a) imposes an excise tax, known as the use tax, on the storage, use, or consumption of tangible personal property in Indiana if the property was acquired in a retail transaction, regardless of the location of that transaction or of the retail merchant making that transaction. The use tax is imposed at the same rate as the Indiana sales tax, IC 6-2.5-3-3, but credit against the amount owed is given for sales or use tax paid in Indiana or elsewhere in the United States. *See* IC 6-2.5-3-4 and IC 6-2.5-3-5. IC 6-2.5-3-4 exempts from use tax property acquired in a transaction that is wholly or partially exempt from sales tax and the property is being used, stored, or consumed for the purpose for which it was exempted. If a person purchases tangible personal property exempt from sales and use tax but subsequently uses, stores, or consumes that property for a nonexempt purpose, then the person is required to pay the use tax. *Id.* IC 6-2.5-5-3 grants an exemption for manufacturing machinery, tools, and equipment acquired for direct use in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property.

Taxpayer purchased a forklift and did not pay sales tax. The forklift is used to move and hold limestone slabs in processing. The auditor determined that the forklift is not used in an exempt manner. Taxpayer explained the use of the forklift to the hearing officer and also provided a brief written explanation and has demonstrated that the forklift is being used in an exempt manner.

FINDING

For the reasons stated above, Taxpayer’s protest is sustained.

DEPARTMENT OF STATE REVENUE

0120030393.LOF

LETTER OF FINDINGS NUMBER: 03-0393

Individual Income Tax

For the Years 1993 and 1995-1999

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of

publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Individual Income Tax—S-corporation distributions to nonresident shareholders

Authority: IC 6-8.1-5-1(b); IC 6-3-2-1; IC 6-3-2-2; IC 6-8.1-5-2(a) and (e); 45 IAC 3.1-1-2; 45 IAC 3.1-1-7; 45 IAC 3.1-1-25; 45 IAC 3.1-1-66; 45 IAC 3.1-1-109.

Nonresident taxpayer protests the assessment of adjusted gross income tax on his share of taxable Indiana S-corporation income.

STATEMENT OF FACTS

Taxpayer is a nonresident shareholder of an Indiana S-corporation. Taxpayer is a Kentucky resident. He is president and 33% shareholder of the corporation. A review of the Indiana report processing system revealed that Taxpayer failed to file any Indiana income returns for 1993 and 1995 through 1999. A return was filed in 1994. The Department assessed income tax for the years in question. Taxpayer filed a protest and a hearing was held.

I. Individual Income Tax—S-corporation distributions to nonresident shareholders

DISCUSSION

All tax assessments are presumed to be accurate; the taxpayer bears the burden of proving that an assessment is incorrect. IC 6-8.1-5-1(b). IC 6-3-2-1 imposes an income tax on every nonresident person who has adjusted gross income derived from sources within Indiana. IC 6-3-2-2 defines "adjusted gross income derived from sources within Indiana." It includes distributive shares from an Indiana S-corporation to shareholders; 45 IAC 3.1-1-2 specifically states that nonresidents are required to report the income. 45 IAC 3.1-1-7 states that earnings from S-corporations are not subject to nonresident reciprocity. 45 IAC 3.1-1-25 outlines the tax liability obligations of a taxpayer, stating, "All persons who are not residents of Indiana are required to report that portion of their entire income directly or constructively from or attributable to business, activities or any other source within Indiana...."

45 IAC 3.1-1-66 specifically addresses S-corporations and shareholders. The regulation states that S-corporation shareholders are taxed on their distributive shares of income at the individual income tax rate. 45 IAC 3.1-1-109 requires S-corporations to withhold adjusted gross income tax and county adjusted gross income tax on any nonresident shareholder's share of taxable income of the corporation, whether distributed or undistributed. The S-corporation is required to pay the withheld amounts to the Department and to furnish a copy of form WH-18, **Indiana Miscellaneous Withholding Tax Statement for Nonresidents**, to each nonresident shareholder. *Id.*

There are time limits imposed upon the Department to make assessments against a taxpayer. In general, the Department has three years to make an assessment. IC 6-8.1-5-2(a). But there is no time limit if no return has been filed. IC 6-8.1-5-2(e).

Taxpayer was required to file an Indiana adjusted gross income tax return and failed to do so. As well, he failed to pay the adjusted gross income tax due on distributions from an Indiana S-corporation.

FINDING

For the reasons stated above, Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0420030414.LOF

LETTER OF FINDINGS: 03-0414

Indiana Gross Retail Tax

For 2000

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Farm Equipment – Gross Retail Tax.

Authority: IC 6-2.5-5-1; IC 6-2.5-5-2; IC 6-8.1-5-1(b); IC 6-2.5-5-2(b)(3); Graham Creek Farms v. Indiana Dept. of State Revenue, 819 N.E.2d 151 (Ind. Tax. Ct. 2004); Rotation Prods. Corp. v. Department of State Revenue, 690 N.E.2d 795 (Ind. Tax Ct. 1998). Foursquare Tabernacle Church of God in Christ v. State Bd. of Tax Comm'rs, 550 N.E.2d 850 (Ind. Tax Ct. 1990); 45 IAC 2.2-5-6(d).

Taxpayer argues that the purchase of a "skid-steer" loader and three loader buckets was exempt from sales tax and that he is not required to now pay use tax.

STATEMENT OF FACTS

Taxpayer is in the business of raising beef cattle. In 2000, taxpayer purchased a "skid-steer" and three different sized buckets for use with the "skid-steer." Taxpayer did not pay sales tax at the time the purchase was made. The Department of Revenue

(Department) subsequently conducted an audit of the particular dealership from which taxpayer purchased the equipment. The Department concluded that the purportedly exempt purchase of the equipment was “doubtful.” In July of 2003, the Department issued a notice of “Proposed Assessment” stating that taxpayer owed use tax. Taxpayer disagreed with the assessment arguing that the equipment was purchased for an exempt purpose. Taxpayer submitted a protest, an administrative hearing was held, and this Letter of Findings results.

DISCUSSION

I. Farm Equipment – Gross Retail Tax.

Taxpayer claims that the purchase of the “skid-steer” and the three loading buckets was not subject to sales tax and that the Department’s subsequent assessment of use tax is unwarranted.

Taxpayer raises between 15 and 20 beef cattle each year. During the winter, the cattle are housed in one of two barns. Taxpayer states that the “skid-steer” is used to remove animal waste from the barns. During the summer, the cattle are pastured. During the time the cattle are pastured, the “skid-steer” is used to transport hay and feed to the cattle.

Indiana imposes a sales tax on “retail transactions made in Indiana.” IC 6-2.5-2-1(a). Indiana also imposes a functionally related use tax on the purchase of certain non-exempt tangible property that has escaped sales tax. Graham Creek Farms v. Indiana Dept. of State Revenue, 819 N.E.2d 151, 155 (Ind. Tax. Ct. 2004).

IC 6-2.5-5-1 and IC 6-2.5-5-2 provide a use tax exemption for tangible personal property used for agricultural purposes. IC 6-2.5-5-1 provides as follows:

Transactions involving animals, feed, seed, plants, fertilizer, insecticides, fungicides, and other tangible personal property are exempt from the state gross retail [sales] tax if:

- (1) the person acquiring the property acquires it for his direct use in the direct production of food and food ingredients or commodities for sale or for further use in the production of food or commodities for sale; and
- (2) the person acquiring the property is occupationally engaged in the production of food and food ingredients or commodities which he sells for human or animal consumption or uses for further food and food ingredient or commodity production.

IC 6-2.5-5-2 provides that:

Transactions involving agricultural machinery, tools, and equipment are exempt from the [sales] tax if the person acquiring that property acquires it for his direct use in the direct production, extraction, harvesting, or processing of agricultural commodities.

(b) Transactions involving agricultural machinery or equipment are exempt from the [sales] tax if:

- (1) the person acquiring the property acquires it for use in conjunction with the production of food and food ingredients or commodities for sale;
- (2) the person acquiring the property is occupationally engaged in the production of food or commodities which he sells for human or animal consumption or uses for further food and food ingredients or commodity production; and
- (3) the machinery or equipment is designed for use in gathering, moving, or spreading animal waste.

IC 6-2.5-5-1 and IC 6-2.5-5-2 require that a taxpayer claiming the exemption to be engaged in the direct production of food. “[T]he tangible personal property for which the taxpayer seeks the exemption must be integral and essential to its production process....” Graham Creek Farms, 819 N.E.2d at 156.

Taxpayer claims that the “skid-steer” and loading buckets are exempt from use tax. Therefore, taxpayer bears the burden of demonstrating how this equipment falls within the exemption set out in IC 6-2.5-5-1 and IC 6-2.5-5-2. Foursquare Tabernacle Church of God in Christ v. State Bd. of Tax Comm’rs, 550 N.E.2d 850, 854 (Ind. Tax Ct. 1990). The notice of proposed assessment sent to taxpayer is “prima facie evidence that the department’s claim for the unpaid tax is valid. The burden of proving that the proposed assessment is wrong rests with the person against whom the proposed assessment is made.” IC 6-8.1-5-1(b). However, a tax exemption must not be read so narrowly “so as to exclude cases rightly falling within the ambit of that exemption provision.” Rotation Prods. Corp. v. Department of State Revenue, 690 N.E.2d 795, 797 (Ind. Tax Ct. 1998).

The Department’s proposed assessment is based on the conclusion that the exempt purchase of the equipment was “suspicious.” Taxpayer has stated that he is in the business of raising beef cattle, that the equipment is used to remove animal waste from the barns housing the cattle during the winter, and that the equipment is used to transport hay and feed to the cattle during the time the cattle are pastured. Taxpayer has stated that the equipment is not used for any plainly non-exempt purposes such as snow removal or road maintenance. Taxpayer has explained how the “skid-steer” and the buckets were specifically chosen because the barns have low ceilings and because the confined space within the barns limits the mobility of the equipment. Therefore, to the extent that taxpayer uses the “skid-steer” for “gathering, moving, or spreading animal waste,” the purchase of the “skid-steer” is exempt from sales or use tax. IC 6-2.5-5-2(b)(3).

However, to the extent that taxpayer uses the “skid-steer” to transport hay and other animal feed to cattle during the time the cattle are pastured, the “skid-steer” is not exempt. 45 IAC 2.2-5-6(d) provides in part as follows:

Sales of agricultural machinery, tools, and equipment used by the purchaser directly in feeding exempt animals, poultry, etc., are exempt from tax. *This exemption does not extend to the machinery, equipment, and tools used for the handling, movement, transportation or storage of feed prior to the actual feeding process. (Emphasis added).*

The “skid-steer” is not used to directly feed taxpayer’s cattle; it is an item of equipment used to transport hay and feed prior to the actual feeding process. Therefore, to the extent that taxpayer uses the “skid-steer” to transport hay and feed to the pastured cattle, the “skid-steer” is not exempt.

The taxpayer’s “skid-steer” is used partially for exempt purposes and partially for non-exempt purposes. This means that use tax liability is apportioned based upon the extent of exempt use and the extent of non-exempt use. Taxpayer may obtain an “Agricultural Equipment Exemption Usage Questionnaire” from the Department’s Tax Compliance Division to assist in calculating the apportionment factor and the amount of use tax owed the state.

FINDING

Taxpayer’s protest is sustained in part and denied in part.

DEPARTMENT OF STATE REVENUE

0220030423.LOF

LETTER OF FINDINGS: 03-0423

**Indiana Corporate Income Tax
For the Years 1994 through 2000**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Department’s official position concerning a specific issue.

ISSUE

I. Disallowance of Royalty Expenses – Adjusted Gross Income Tax.

Authority: IC 6-3-2-2(l); IC 6-8.1-5-1(b); 45 IAC 3.1-1-62.

Taxpayer challenges an audit decision to disallow royalty expenses paid to an affiliated company during 1994 through 1997.

STATEMENT OF FACTS

Taxpayer is an out-of-state company in the business of providing information technology. Taxpayer provides service and support to business corporations and government agencies within the United States and throughout the world. During 2003, the Department of Revenue (Department) conducted an audit review of taxpayer’s income tax returns and business records. The audit review determined that taxpayer owed additional Indiana corporate income taxes. Accordingly, the Department sent taxpayer notices of “Proposed Assessment.” Believing that the audit erred in the disallowance of certain royalty expenses, taxpayer submitted a protest challenging the additional assessments. An administrative hearing was conducted during which taxpayer’s representative explained the basis for the protest. This Letter of Findings results.

DISCUSSION

I. Disallowance of Royalty Expenses – Adjusted Gross Income Tax.

Taxpayer challenges the audit’s decision to disallow certain royalty expenses purportedly paid to an affiliated Bermuda company during 1994 through 1997.

The audit’s decision to disallow the 1994/97 royalty expenses stems from its initial decision to disallow royalty expenses paid to an affiliated company during 1998 through 2000 which were the three years actually under audit. The 1998/2000 royalty expenses were paid to a foreign corporation, incorporated in Bermuda, which was formed for the purpose of holding certain of taxpayer’s tradenames, trademarks, and service marks. This “intellectual property” had previously been directly owned by taxpayer.

The audit disallowed the claimed 1998/2000 royalties expenses because the audit found that the initial transfer of the intellectual property to the Bermuda company and the subsequent agreement to pay royalties to the Bermuda company were without “economic substance.” The audit found that the transfer of the intellectual property and the royalty agreements were “but sham transactions between [taxpayer] and some of the affiliated companies.” The audit concluded that it could “not be considered a sound business transaction to transfer or sell a business asset to one self [sic], in order to make an expenditure to buy the same business back, from one self [sic], at a greater value than [taxpayer] transferred or sold it.”

The audit disallowed the 1998/2000 royalty payments pursuant to IC 6-3-2-2(l) which states as follows:

If the allocation and apportionment provisions of this article do not fairly represent the taxpayer’s income derived from sources within the state of Indiana, the taxpayer may petition for *or the department may require*, in respect to all or any part of the taxpayer’s business activity, if reasonable:

- (1) separate accounting;
- (2) the exclusion of any one (1) or more of the factors;
- (3) the inclusion of one (1) or more additional factors which will fairly represent the taxpayer’s income derived from sources within the state of Indiana; or
- (4) the employment of any other methods to effectuate an equitable allocation and apportionment of the taxpayer’s

Nonrule Policy Documents

income. (*Emphasis added*).

The audit also relied upon 45 IAC 3.1-1-62 which states in part that, “All corporations doing business in more than one state shall use the allocation and apportionment provisions described in Regulations 6-3-2-2(b)-(k)... unless such provisions do not result in a division of income which fairly represents the taxpayer’s income from Indiana sources.”

Having concluded that the royalty expenses paid during 1998/2000 were without economic substance, the audit concluded that “The disallowance of royalty fee expenses from the federal tax return would correct the distortion of income and present a more fair[] representation of the company’s income from Indiana sources.”

Taxpayer agrees that the audit correctly disallowed the 1998/2000 royalty payments. “[Taxpayer] is in agreement with the proposed adjustments made to the reallocation of receipts for purposes of Gross Income Tax [sic] calculation for the tax years ending September 30, 1998 – September 30, 2000.”

However, the audit did not confine itself to considering the royalty payments paid to the Bermuda company during 1998/2000. The audit also made adjustments effectively disallowing the royalty expenses paid during 1994/97 in order to correct the NOL (Net Operating Loss) deduction coming forward to the years actually under audit. Because the actual amount of royalty payments paid during 1994/97 was unavailable at the time of the audit, an “average royalty and commission” was employed as the “best information available.”

It is these 1994/97 payments which are at the heart of taxpayer’s protest. Taxpayer agrees that the 1998/2000 royalty payments were correctly disallowed. However, taxpayer points out that the royalty agreement between itself and the Bermuda company was not entered until 1998 and that “no royalty expense was paid by [taxpayer] until that fiscal year ended.” In other words, taxpayer states that the audit’s 1994/97 adjustments were founded upon non-existent royalty payments.

Taxpayer has provided a copy of the royalty agreement between itself and its associated Bermuda company. As taxpayer maintains, the agreement was “made effective as of October 1, 1998.” Nonetheless, taxpayer’s principal assertion – that it paid no royalties during 1994/97 – is refuted by taxpayer’s own federal income tax returns. Specifically, taxpayer’s support schedule for its 1996 federal 1120 income tax return states that taxpayer claimed deductions of approximately \$37,000,000 in “COMMISSIONS & ROYALTIES.”

Taxpayer was asked to explain the discrepancy between its claim that it did not pay royalties during 1994/97 and the information contained on the federal support schedule. Taxpayer declined to comment.

The evidence provided is inconclusive. The royalty agreement with the Bermuda company was not in effect until 1998. The audit employed what it regarded as the “best information available” to determine the 1994/97 royalty payments and to recalculate the NOL. Taxpayer’s federal return clearly demonstrates that taxpayer paid substantial amounts of money in the form of royalty payments during 1996. When asked subsequent to the hearing to provide an explanation for the 1996 royalty payments, taxpayer failed to respond.

The audit acted within its authority to calculate taxpayer’s 1994/97 royalty payments. IC 6-8.1-5-1(a) provides in the part that “If the department reasonably believes that a person has not reported the proper amount of tax due, the department *shall* make a proposed assessment of the amount of the unpaid tax on the basis of the basis of the best information available to the department.” (*Emphasis added*).

In the face of taxpayer’s failure to explain the nature and substance of the 1996 royalty expenses, the Department is unable to agree that the audit’s conclusion concerning the 1994/97 royalty payment was unwarranted. As set out in IC 6-8.1-5-1(b), “The notice of proposed assessment is prima facie evidence that the department’s claim for the unpaid tax is valid. The burden of proving that the proposed assessment is wrong rests with the person against whom the proposed assessment is made.” Taxpayer’s bare assertion – that the agreement between itself and the Bermuda company was not in effect until 1998 – does not meet the burden of proving that the proposed assessments are wrong.

FINDING

Taxpayer’s protest is respectfully denied.

DEPARTMENT OF STATE REVENUE

0220030433.LOF

LETTER OF FINDINGS: 03-0433

Indiana Gross Income Tax

For the Year 1997

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Department’s official position concerning a specific issue.

ISSUES

I. Money Received in an Agency Capacity – Gross Income Tax.

Authority: IC 6-2.1-2-2(a)(1); IC 6-2.1-2-2(a)(2); 45 IAC 1-1-54; 45 IAC 1-1-54(1); 45 IAC 1-1-54(2); 45 IAC 1.1-1-2; 45 IAC

1.1-6-10; Western Adjustment and Inspection Co. v. Gross Income Tax Division, 142 N.E.2d 630 (Ind. 1957); Policy Management Systems Corp. v. Indiana Department of State Revenue, 720 N.E.2d 20 (Ind. Tax Ct. 1999); Monarch Steel Co. v. State Bd. Of Tax Comm’r, 699 N.E.2d 809 (Ind. Tax Ct. 1998); Trinity Episcopal Church v. State Bd. Of Tax Comm’r, 694 N.E.2d 816 (Ind. Tax Ct. 1998); Universal Group Limited v. Indiana Department of State Revenue, 642 N.E.2d 553 (Ind. Tax Ct. 1994) Universal Group Ltd. v. Indiana Dept. of Revenue, 609 N.E.2d 48 (Ind. Tax Ct. 1993).

Taxpayer argues that it is not subject to Indiana gross income tax on money received while purportedly acting as an agent for a riverboat owner.

II. Abatement of the Ten-Percent Negligence Penalty.

Authority: IC 6-8.1-10-2.1; IC 6-8.1-10-2.1(d); 45 IAC 15-11-2(b); 45 IAC 15-11-2(c).

Taxpayer asks that the Department exercise its discretion to abate the ten-percent negligence penalty on the ground the money taxpayer received to operate the riverboat and pay riverboat employees was properly excluded from gross receipts for gross income tax purposes.

STATEMENT OF FACTS

Taxpayer operates but does not own a riverboat casino located in Indiana. Taxpayer signed a contract with the riverboat owner to manage the day-to-day operations of the Indiana casino on behalf of the casino owner. The Department of Revenue (Department) conducted an audit review of taxpayer’s business records and tax return. In that audit, the Department concluded taxpayer had received money from the casino owner which was subject to gross income tax. Taxpayer disagreed with this conclusion arguing that the money was received from the casino owner while taxpayer was acting in an agency capacity and that, as a result, the money was not subject to gross income tax. Taxpayer submitted a protest to that effect.

A protest was also submitted on behalf of the holding company which acquired taxpayer subsequent to 1997. The holding company raised the identical agency issue, and a previous Letter of Findings (02-20030248) addressed the holding company’s protest. However, taxpayer declined to participate in an administrative hearing addressing strictly the 1997 gross income tax assessment. This Letter of Findings was written based upon the original protest letter taxpayer submitted to the Department in March of 2002 and upon the information made available as a result of the holding company’s protest.

DISCUSSION

Casino owner and taxpayer entered into a “Project Development and Management Agreement” (Hereinafter “Agreement”) whereby taxpayer arranged for the construction of the casino and agreed to subsequently provide for the day-to-day operation of the casino once construction was complete. Taxpayer assisted in obtaining the casino license, but casino owner was the entity which actually held the casino’s license.

Under the terms of the parties’ Agreement, taxpayer had the responsibility to recruit and train the casino staff members, create and implement a casino marketing program, obtain the casino license on behalf of the owner, acquire the necessary start-up supplies and equipment, and develop start-up and operating budgets.

Under the terms of the Agreement, the casino owner designated taxpayer as the casino owner’s “exclusive agent, to supervise, manage, direct and operate the [casino] during the Terms of this Agreement.” Taxpayer was granted “all the prerogatives normally accorded to management in the ordinary course of commerce, including... the collection of receivables, the incurring of trade debts, the approval and payment of checks, the advance of credit and the negotiating and signing of operational leases and contracts.” In addition, the Agreement stipulated that “Unless this Agreement expressly provides for an item or service to be at [taxpayer’s] own expense, all costs and expenses incurred by [taxpayer]... in the performance of [taxpayer’s] obligations under this Agreement shall be for and on behalf of [casino owner].” The Agreement specifically provides that, “All debts and liabilities incurred to third parties by [taxpayer] on behalf of either the [casino] Owner or the Project are and shall remain the sole obligation of [casino] Owner.”

In terms of the people who worked at the casino, taxpayer was granted “sole authority to hire, promote, discharge, and supervise all personnel.” With the exception of the casino manager, department managers, credit manager, chief financial officer, all the casino employees were designated as employees of the casino owner. All of the costs related to the casino owner’s employees were designated as an “Operating Expense of the Project and reimbursed to [taxpayer] on a current basis.”

After the Agreement was signed, casino owner began to pay taxpayer money in the form of “management fees” which taxpayer characterized as reimbursement for expenses representing the payments advanced by taxpayer to the casino owner’s employees. The issue centers on the amount of money which taxpayer received from casino owner which was used to pay the casino employees. Taxpayer contends that this money is not subject to gross income tax because it was received while taxpayer was acting in an agency capacity. According to taxpayer, it was under the control of the casino owner, it did not have any right, title or interest in the money or property received from the transaction, but that the money passed through to third parties. In sum, taxpayer was merely the agent through which the funds passed to the third parties.

Indiana imposes a gross income tax upon the entire gross receipts of a taxpayer who is a resident or domiciliary of Indiana. IC 6-2.1-2-2(a)(1). For the taxpayer who is not a resident or domiciliary of Indiana, the tax is imposed on the gross receipts which are derived from business activities conducted within the state. IC 6-2.1-2-2(a)(2).

However, 45 IAC 1-1-54 exempts that portion of a taxpayer’s income which the taxpayer receives while acting in an agency capacity. The regulation states:

Taxpayers are not subject to gross income tax on income they receive in an agency capacity. However, before a taxpayer may

deduct such income in computing his taxable gross receipts, he must meet two (2) requirements:

(1) The taxpayer must be a true agent. Agency is a relationship which results from the manifestation of consent by one person to another authorizing the other to act on his behalf and subject to his complete control, and consent by the other to so act. Agency may be established by oral or written contract, or may be implied from the conduct of the parties. However, the representation of one party that he is an agent of another without a manifestation of consent by the alleged principal is insufficient to establish an agency. Both parties must intend to act in such a relationship.

Characteristic of agency is the principal's right to complete and continuous control over the acts of the agent throughout the entire performance of the contract. This right to control cannot be limited to the accomplishment of a desired result. In addition, the principal must be liable for the authorized acts of the agent.

(2) The agent must have no right, title, or interest in the money or property received or transferred as an agent. In other words, the income received for work done or services performed on behalf of a principal must pass intact to the principal or a third party; the agent is merely a conduit through which the funds pass. A contractual relationship whereby one person incurs expense under an agreement to be reimbursed by another is not an agency relationship unless the other elements of agency exist, particularly the element of control discussed above. Where tangible personal property is purchased by an agent for a principal, title need not vest immediately in the principal in order for the agent's reimbursement to be deductible if there is an agreement between the parties authorizing one to purchase on behalf of other. However, income derived from sales by the principal and subsequent resale by the agent to customer is subject to gross income tax.

In summary, when applying the above factors to a particular taxpayer, the critical factor is that of control. Notwithstanding the fact that the taxpayer acting for another has no right, title or interest in the money or property received, the taxpayer is not entitled to deduct that income from the taxpayer's gross receipts unless the taxpayer was acting as a true agent subject to the control of his principal.

The Indiana Tax Court in Policy Management Systems Corp. v. Indiana Department of State Revenue, 720 N.E.2d 20 (Ind. Tax Ct. 1999) and Universal Group Limited v. Indiana Department of State Revenue, 642 N.E.2d 553 (Ind. Tax Ct. 1994) reviewed the relationship between the imposition of the state's gross income tax and agency principles, echoed the regulatory standards set out in 45 IAC 1-1-54, and found that an agency relationship required consent by the principal, acceptance and authority by the agent, and control of the agent by the principal. (*See also* 45 IAC 1.1-1-2; 45 IAC 1.1-6-10).

The taxpayer has the burden of establishing that the reimbursements received from the casino owner were not subject to the state's gross income tax. *See Western Adjustment and Inspection Co. v. Gross Income Tax Division*, 142 N.E.2d 630, 635 (Ind. 1957). When discussing tax exemptions, such as 45 IAC 1-1-54, the courts have held that the exemptions are strictly construed against the taxpayer and in favor of taxation. Monarch Steel Co. v. State Bd. Of Tax Comm'r, 699 N.E.2d 809, 811 (Ind. Tax Ct. 1998); Trinity Episcopal Church v. State Bd. Of Tax Comm'r, 694 N.E.2d 816, 818 (Ind. Tax. Ct. 1998).

Taxpayer is correct in pointing out that there are elements of an agent/principal relationship in the Agreement between itself and the casino owner. Taxpayer is also correct that this money was received from the casino owner to pay the salaries of employees who worked in the casino owner's own gambling facility and that the terms of that Agreement *required* the casino owner to reimburse taxpayer for those expenses.

However, neither the terms of the parties' Agreement nor the parties' business practices indicate that the taxpayer was acting as a "true agent" sufficient to warrant finding that the income was not subject to Indiana's gross income tax. In order for a putative agent to avoid the consequences of the gross income tax, the agent must have no control or authority over the receipts at issue because the receipts must pass unimpeded through to the principal. Any apparent control which the agent exercises over the receipts is illusory because, at all times, the agent is simply acting on behalf of the principal. The agent eludes imposition of the gross income tax because the receipts never belong to the agent and because the principal controls the agent's substantive business activities. *See* 45 IAC 1-1-54(1).

There are two elements which are missing here. First, casino owner does not exercise the degree of authority over taxpayer characteristic of an agent/principal business relationship; instead, taxpayer retains operational control over the means and manner in which the casino is operated. Taxpayer was given a substantial degree of independent authority in arranging for the construction of the casino, in determining how the casino would be operated, and establishing the casino's operating budget. Taxpayer was given complete authority over the hiring and firing of personnel. As set out in the parties' Agreement, "[Taxpayer] shall have the sole authority to hire, promote, discharge, and supervise all personnel." Taxpayer was expected to consult with the casino owner in hiring certain key personnel, but taxpayer was given "the sole right to determine whom to hire." Although the terms of the Agreement specify that most of the casino personnel were the casino owner's employees, insofar as the employees were concerned, they worked for taxpayer. Taxpayer hired the employees and fired these employees. Presumably, if one of these employees was late for work, it was taxpayer – and not the casino owner – which decided if that employee's next paycheck should be docked. Presumably if one of these employees exhibited a high standard of performance, it was up to taxpayer – not the casino owner – to determine whether the employee was entitled to a bonus or a promotion. Insofar as the relationship between these parties, taxpayer was more than simply a paymaster handing out paychecks to the casino owner's employees at the end of each month. In terms of the day-to-day operation of the casino, the casino employees worked for taxpayer and worked under the direct control of the taxpayer.

There are other aspects of this Agreement which demonstrate that casino owner did not have direct control over taxpayer. For

example in the matter of casino expenditures and budgets, the Agreement stipulated that taxpayer was “entitled to increase these budgets to cover any expenditures or contingencies that were unanticipated by [taxpayer] at the preparation of these budgets....” In addition, taxpayer was authorized to “reallocate all or any portion of any amount budgeted with respect to any one item in any of the budgets to another item budgeted therein.”

In the day-to-day operation of the casino’s gambling business, taxpayer was granted “the absolute discretion and authority to determine operating policies and procedures, standards of operation, credit polices, complimentary policies, win payment arrangements, standards of service and maintenance, food and beverage quality and service, pricing, and other standards affecting the [casino], or the operation thereof, to implement all such polices and procedures, and to perform any act on behalf of [casino owner] which [taxpayer] deems necessary or desirable for the operation and maintenance of the [casino]....”

The gambling casino belonged to casino owner, and casino owner retained ultimate authority to control the operation of that facility, but the taxpayer retained substantially independent autonomy to run that facility. Although the two parties had a specific and well-defined contractual relationship, this is not the sort of relationship envisaged in the regulation which states that the agent must be under the control of the principal. *See* 45 IAC 1-1-54(1). Despite the generalized intention of these two parties, taxpayer is not a “true agent” of the casino owner sufficient to establish that this money was not subject to gross income tax because the casino owner – as principal – did not retain control over the manner in which taxpayer operated the casino business. The parties’ Agreement establishes the relationship between taxpayer and the casino owner; it does not permit the casino owner to dictate the manner in which taxpayer fulfills its responsibilities under that Agreement.

In addition, a second element is missing. Taxpayer has not established that it was merely acting as a conduit for the money eventually paid over to the casino employees. 45 IAC 1-1-54(2) in part, requires that, “The agent must have no right, title, or interest in the money or property received or transferred as an agent. In other words, the income received for work done or services performed on behalf of a principal must pass intact to the principal or a third part; the agent is merely a conduit through which the funds pass.” *Id.* In order to establish that it was acting as “merely a conduit,” taxpayer must establish that only the employees had a beneficial interest in the money. As the Tax Court stated in *Universal Group Ltd. v. Indiana Dept. of Revenue*, 609 N.E.2d 48 (Ind. Tax Ct. 1993), “[T]he taxpayer’s beneficial interest is income is central to the receipt of gross income.” *Id.* at 50. Taxpayer had a beneficial interest in seeing that the casino employees it hired, supervised, and directed were paid for the work the employees performed in operating the casino. Because taxpayer was charged with the responsibility for successfully operating the casino, it had a direct beneficial interest in the money it received from casino owner. Taxpayer was not simply a disinterested paymaster distributing paychecks on behalf of the casino owner. Its own interests were inextricably bound with those of the employees, the casino owner, and the money it received from casino owner.

In order to qualify for the agency status it seeks, taxpayer must demonstrate that the casino owner retained the right to dictate the manner in which taxpayer ran the casino and that taxpayer had no right to or control over the money received from the casino owner. “[B]efore a taxpayer may deduct such income in computing his taxable gross receipts, he must meet two (2) requirements.” 45 IAC 1-1-54. The taxpayer must be a “true agent” and “have no right, title or interest in the money or property received or transferred as an agent.” *Id.* It is plain that casino owner did not retain the right to control the manner in which taxpayer managed the casino business; furthermore, taxpayer holding company had a beneficial interest in the money received from the casino owner.

FINDING

Taxpayer’s protest is respectfully denied.

II. Abatement of the Ten-Percent Negligence Penalty.

Taxpayer asks that the Department abate the ten-percent negligence penalty.

IC 6-8.1-10-2.1 requires that a ten-percent penalty be imposed if the tax deficiency results from the taxpayer’s negligence. Departmental regulation 45 IAC 15-11-2(b) defines negligence as “the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer.” Negligence is to “be determined on a case-by-case basis according to the facts and circumstances of each taxpayer.” *Id.*

IC 6-8.1-10-2.1(d) allows the Department to waive the penalty upon a showing that the failure to pay the deficiency was based on “reasonable cause and not due to willful neglect.” Departmental regulation 45 IAC 15-11-2(c) requires that in order to establish “reasonable cause,” the taxpayer must demonstrate that it “exercised ordinary business care and prudence in carrying out or failing to carry out a duty giving rise to the penalty imposed....”

Taxpayer has simply submitted a bare request that the negligence penalty be abated but has provided no substantive reason for the Department to consider doing so. The Department concludes that the taxpayer’s failure to report gross receipts received from operating a riverboat casino within Indiana does not constitute the “reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer.” 45 IAC 15-11-2(b).

FINDING

Taxpayer’s protest is respectfully denied.

Nonrule Policy Documents

DEPARTMENT OF STATE REVENUE

0320030442P.LOF

LETTER OF FINDINGS NUMBER: 03-0442P**Withholding Tax****For the Calendar Year 2000**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE**I. Tax Administration – Penalty**

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2;

The taxpayer protests the late penalty.

STATEMENT OF FACTS

The late penalty was assessed on the late filing of annual W-2s and the WH-3.

The taxpayer is an in-state company.

I. Tax Administration – Penalty**DISCUSSION**

The taxpayer argues the late penalty should be abated as the W-2s and WH-3 were mailed before the due date.

The Department notes the postmark on the accompanying envelope was April 26, 2001, 57 days past the due date.

45 IAC 15-11-2(b) states, "Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer."

The Department finds the taxpayer was inattentive of tax duties. Inattention is negligence and negligence is subject to penalty. As such, the Department finds the penalty proper and denies the penalty protest.

FINDING

The taxpayer's penalty protest is denied.

DEPARTMENT OF STATE REVENUE

0420030460.LOF

LETTER OF FINDINGS NUMBER: 03-0460**Sales and Use Tax****For the Tax Period 2000-2002**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUES**1. Sales and Use Tax- Manufacturing Exemptions**

Authority: IC 6-8.1-5-1 (b), IC 6-2.5-3-2 (a), IC 6-2.5-5-3(b), *Gross Income Tax Division v. National Bank and Trust Co.*, 79 N.E. 2d 651 (Ind. 1948).

The taxpayer contends that certain items of tangible personal property qualify for a manufacturing exemption from the sales and use tax.

2. Tax Administration-Imposition of Penalty

Authority: IC 6-8.1-10-2.1, 45 IAC 15-11-2(b).

The taxpayer protests the imposition of the ten percent (10%) negligence penalty.

STATEMENT OF FACTS

The taxpayer is a corporation that manufactures component parts for the automotive industry. After an audit for the tax period 2000-2002, the Indiana Department of Revenue, hereinafter referred to as the "department," assessed additional use tax, interest, and penalty. During the review process, the department and the taxpayer came to agreement that the four tool stands purchased on January 16, 2000 and listed on page 23 of the audit assessment and the four and five inch swivel casters purchased on December 1 and December 14, 2000 and listed on page 21 of the audit assessment were exempt from sales and use tax. The taxpayer continued

in its protest of the assessment of use tax on several other items and the penalty. A hearing was held and this Letter of Findings results.

1. Sales and Use Tax-Manufacturing Exemptions

DISCUSSION

All tax assessments are presumed to be accurate and the taxpayer bears the burden of proving that any assessment is incorrect. IC 6-8.1-5-1 (b).

Indiana imposes an excise tax, the use tax, on tangible personal property purchased in a retail transaction and stored, used, or consumed in Indiana. IC 6-2.5-3-2 (a). There are a number of exemptions from the use tax pursuant to the statute. All exemptions must be strictly construed against the party claiming the exemption. *Gross Income Tax Division v. National Bank and Trust Co.*, 79 N.E. 2d 651 (Ind. 1948).

The taxpayer protested the assessments of use tax assessed on replacement parts for a forklift, proximity lasers, small part racks, grating, tool balancers, lift tables, crates, and traceability systems. The taxpayer argued that the protested items qualify for exemption pursuant to the following provisions of IC 6-2.5-5-3 (b):

Transactions involving manufacturing machinery, tools, and equipment are exempt from the state gross retail tax if the person acquiring that property acquires it for direct use in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining; or finishing of other tangible personal property.

The arguments and documentation submitted by the taxpayer were insufficient to establish that the protested items were actually directly used in the direct production of the taxpayer's products. Therefore, the taxpayer did not sustain its burden of proving that the department's assessment was incorrect.

FINDING

The taxpayer's protest is denied.

2. Tax Administration-Imposition of Penalty

DISCUSSION

The taxpayer protests the imposition of the ten percent (10%) negligence penalty pursuant to IC 6-8.1-10-2.1. Indiana Regulation 45 IAC 15-11-2 (b) clarifies the standard for the imposition of the negligence penalty as follows:

Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

During the tax period, the taxpayer purchased without paying the sales or use tax on many clearly taxable items such catering services, office supplies, and tee shirts. These breaches of the taxpayer's duty constitute negligence.

FINDING

The taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0120040263P.LOF

LETTER OF FINDINGS NUMBER: 04-0263P

Income Tax

For the Calendar Year 2000

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Tax Administration – Penalty

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2;

The taxpayer protests the negligence penalty.

STATEMENT OF FACTS

The negligence penalty was assessed on the non-filing of an amended Indiana income tax return for the calendar year 2000.

The taxpayer is an individual residing in Indiana.

I. Tax Administration – Penalty

DISCUSSION

The taxpayer argues the late penalty should be abated as the original tax was paid with the original return.

The taxpayer was audited by the IRS where a Revenue Agent Report was issued on October 1, 2003. The taxpayer did not file an amended Indiana income tax return to reflect the Federal assessment. The Department assessed the taxpayer on information received from the IRS.

Indiana Code 6-3-4-6(a) states a taxpayer must file an amended income tax return within 120 days when a federal modification is incurred.

45 IAC 15-11-2(b) states, "Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer."

The Department finds the taxpayer was inattentive of tax duties as the taxpayer did not file an amended income tax return within the 120 day period after the issuance of the Federal Revenue Agent Report. Inattention is negligence and negligence is subject to penalty. As such, the Department finds the penalty proper and denies the penalty protest.

FINDING

The taxpayer's penalty protest is denied.

DEPARTMENT OF STATE REVENUE

0120040366.LOF

LETTER OF FINDINGS NUMBER: 04-0366 Adjusted Gross Income Tax For the Tax Period 2002

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

1. Adjusted Gross Tax-Credit for Estimated Taxes Paid

Authority: IC 6-8-1-5-1(b), IC 6-3-2-1(a), IC 6-3-4-4.1 (c).

The taxpayer protests the assessment of adjusted gross income tax on certain receipts.

STATEMENT OF FACTS

The taxpayer and his former wife were divorced in January 2003. For tax year 2002, they filed their Indiana adjusted gross income tax returns individually. They had filed jointly in prior years. Estimated income tax payments for 2002 were made on joint vouchers. All vouchers were signed by the taxpayer. The total amount of estimated payments for 2002 plus the refund for tax year 2001 applied to 2002 equals \$2,080. When filing his 2002 Indiana adjusted gross income tax return, the taxpayer claimed all of the estimated payments as payments towards his tax liability. The taxpayer's ex-wife claimed \$712 of the 2002 estimated tax payments and 2001 refund as a credit against her taxes due. The Indiana Department of Revenue (department) adjusted the taxpayer's income tax liability to reflect the credit taken against the former wife's income tax liability. Subsequently the department assessed the additional income tax, penalty, and interest against the taxpayer. The taxpayer protested this assessment and a hearing was held. This Letter of Findings results.

1. Adjusted Gross Income Tax-Credit for Estimated Taxes Paid

DISCUSSION

All department assessments are prima facie evidence that the taxes are owed by the taxpayer who has the burden of proving that the assessment is incorrect. IC 6-8-1-5-1(b).

Indiana imposes the adjusted gross income tax on Indiana residents. IC 6-3-2-1(a).

The taxpayer paid estimated Indiana adjusted gross income taxes during 2002 pursuant to the following provisions of IC 6-3-4-4.1(c):

Every individual who has gross income subject to the tax imposed by this article and from which tax is not withheld under the requirements of section 8 of this chapter shall make a declaration of estimated tax for the taxable year.

Throughout their marriage, the taxpayer and his former wife individually paid the Indiana adjusted gross income taxes on their respective incomes. The taxpayer made estimated payments throughout the tax year 2002 based upon his retirement income. He made the estimated tax payments with checks on his personal account and use of the 2001 Indiana adjusted gross income tax refund. Since the refund was due to additional withholding from his former wife's salary, he reimbursed his ex-wife for the amount of the 2001 refund that was applied to his estimated tax payments for the tax year 2002. The taxpayer's ex-wife was employed during the tax period 2002 and Indiana taxes were withheld from her income.

The taxpayer was the party with income that was not subject to withholding. The taxpayer offered substantial evidence that he actually made all the 2002 estimated tax payments from his own funds. Therefore, the taxpayer should receive the credit for the subject estimated payments to apply to his 2002 Indiana adjusted gross income tax liability.

FINDING

The taxpayer's protest is sustained.

DEPARTMENT OF STATE REVENUE

0120040405.LOF

LETTER OF FINDINGS NUMBER: 04-0405

Adjusted Gross Income Tax

For the Year 2001

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Adjusted Gross Income Tax-Disallowance of Exemptions

Authority: IC 6-8.1-5-1(b), IC 6-3-1-3.5(a)(3),(4), IC 6-3-1-3.5(a)(5)(A), 26 USCA 151(c)(1)(B), 26 USCA 151(d)(2), 45 IAC 3.1-1-5(b)(4).

The taxpayer protests the disallowance of certain exemptions.

II. Tax Administration-Ten Percent (10%) Negligence Penalty

Authority: IC 6-8.1-10-2.1, 45 IAC 15-11-2 (b).

The taxpayer protests the imposition of the ten percent (10%) negligence penalty.

STATEMENT OF FACTS

The taxpayer is a married couple who filed a joint 1040 federal return reporting income received during 2001. The taxpayer (wife), whose ex husband lives in Texas, and her current husband have custody of the two children of the former marriage. Pursuant to the terms of the Decree of Divorce, the taxpayer(wife) and her ex husband each took the federal dependent exemption for one of children of the previous marriage. The taxpayer took the Indiana exemption for both children. The Indiana Department of Revenue, hereinafter referred to as the "department," disallowed the taxpayer's use of the Indiana dependent exemptions for the child claimed by the ex husband for federal purposes. The taxpayer protested the resulting assessment of additional tax, interest, and penalty. A telephone hearing was held. This Letter of Findings results.

I. Adjusted Gross Income Tax-Disallowance of Exemptions

DISCUSSION

All tax assessments are presumed to be accurate and taxpayers bear the burden of proving that any assessment is incorrect. IC 6-8.1-5-1(b).

The taxpayer argues that she was legitimately entitled to claim both the exemptions on her state return even though she was only entitled to claim one dependent exemption on her federal return pursuant to the Decree of Divorce of the parents of the children.

Insofar as relevant to the taxpayer's "Line 8" deductions, IC 6-3-1-3.5(a)(3),(4) states that the Indiana taxpayer is to "Subtract one thousand dollars (\$1,000.), or in the case of a joint return filed by a husband and wife, subtract for each spouse one thousand dollars (\$1,000). Subtract one thousand dollars (\$1,000) for each of the exemptions provided by Section 151 (c) of the Internal Revenue Code." Insofar as relevant to the taxpayer's "Line (9)" deductions, IC 6-3-1-3.5(a)(5)(A) permits an Indiana taxpayer to "subtract one thousand five hundred dollars (\$1,500) for each of the exemptions allowed under Section 151(c)(1)(B) of the Internal Revenue Code for taxable years beginning after December 31, 1996."

The statutory formula is straightforward; an Indiana taxpayer may claim a \$1,000 exemption on line 8 of his Indiana return if that the exemption is allowed under Section 151(c). The Indiana taxpayer may claim a \$1,500 deduction on line 9 of his Indiana return if that exemption is allowed under Section 151(c)(1)(B).

The issue to be determined in this case is whether or not the taxpayer could take the federal exemption for both children. If the taxpayer could take the federal dependent exemption for each child, then the taxpayer could take the Indiana dependent exemptions for each child.

Section 151 (c) provides that a non-custodial parent may take the federal exemption for a child if it is so ordered by a Court. In this case, the Decree of Divorce indicates that the District Court of Harris County, Texas ordered that the federal dependent exemptions be divided equally between the mother and father. The father is allowed to take one federal dependent exemption and the mother is allowed to take one federal dependent exemption. The federal statute only provides one federal dependent exemption to the taxpayer.

The statute is clarified by 45 IAC 3.1-1-5(b)(4) which directs the taxpayer to "[s]ubtract \$1000 for each exemption taken on

the Federal return for taxpayer or spouse aged 65 or above...” and to subtract “\$500 [now \$1,500] for each exemption taken on the Federal return for a qualified dependent.” (Emphasis added.) The regulation requires that an exemption be taken on the federal return for a “qualified dependent.” Pursuant to the Decree of Divorce, the taxpayer only had one qualified dependent for federal purposes.

The law and regulation are explained in the Indiana adjusted gross income tax information booklet that states, “You are allowed a \$1,000 exemption on your Indiana tax return for each exemption you claim on your federal return.” (Emphasis added.) Relevant to line nine, the booklet states that, “An additional exemption, which has been increased to \$1,500, is allowed for certain dependent children.” In this case the taxpayer only had one dependent child which she was allowed to claim on her federal adjusted gross income tax return.

The law, the instructions printed on the Indiana tax form, the accompanying instructional booklet, and the Department’s regulation preclude an Indiana taxpayer from claiming an exemption unless the taxpayer is also allowed to claim the exemption on the federal adjusted gross income return. The taxpayer could only take one dependent exemption on her federal adjusted gross income tax return. Consequently, she could only take one dependent exemption on her Indiana adjusted gross income tax return.

FINDING

The taxpayer’s protest is denied.

II. Tax Administration-Ten Percent (10%) Negligence Penalty

DISCUSSION

The taxpayer protests the imposition of the ten percent (10%) negligence penalty pursuant to IC 6-8.1-10-2.1. Indiana Regulation 45 IAC 15-11-2 (b) clarifies the standard for the imposition of the negligence penalty as follows:

Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer’s carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

This taxpayer claimed the same two dependent exemptions on her 1999 Indiana adjusted gross income tax return. After discovery of this mistake, the department assessed this taxpayer for the additional taxes, interest, and penalty for 1999. The taxpayer protested the assessment and a hearing was held. The department held against the taxpayer. This decision clearly instructed the taxpayer on the proper use of the dependent exemption. The taxpayer failed to follow these instructions and continued to improperly take an additional dependent exemption. This breach of the taxpayer’s duty constitutes negligence.

FINDING

The taxpayer’s protest is denied.

DEPARTMENT OF STATE REVENUE

0320050006.LOF

LETTER OF FINDINGS: 05-0006

Withholding Tax

For 2003

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Department’s official position concerning a specific issue.

ISSUES

I. Withholding Tax.

Authority: IC 6-3-4-8(a); 26 U.S.C.S. § 3401(a); 26 U.S.C.S. § 3401(c); 26 U.S.C.S. § 3402(a); Treas. Reg. § 31.3401(c)-1(c); Treas. Reg. § 31.3401(d); 2005 U.S. Master Tax Guide (CCH 2005).

Taxpayer maintains that he is not required to withhold income tax from wages paid to his employees.

II. Involuntary Servitude.

Authority: U.S. Const. amend. XIII, § 1; Porth v. Brodrick, 214 F.2d 925 (10th Cir. 1954); Abney v. Campbell, 206 F.2d 836 (5th Cir. 1953).

Taxpayer argues that requiring him to withhold tax from his employees is a form of involuntary servitude forbidden by the Thirteenth Amendment to the Constitution.

STATEMENT OF FACTS

Taxpayer is an Indiana resident who has people working for him. The Department of Revenue (Department) found that taxpayer had failed to withhold state income tax from the money taxpayer paid to his employees. Therefore, the Department sent taxpayer

a “Delinquency Notice.” The “Delinquency Notice” stated that taxpayer failed to pay required withholding taxes. Taxpayer disagreed with the Department’s decision and submitted a protest letter to that effect.

Upon assignment to the Hearing Officer, taxpayer was notified of his opportunity to take part in an administrative hearing and to further explain the basis for his protest. Taxpayer chose not to respond. Taxpayer was notified a second time and was provided a second opportunity to schedule the hearing. Taxpayer again chose not to respond. Consequently, this Letter of Findings was written based entirely upon taxpayer’s written protest letter.

DISCUSSION

I. Withholding Tax.

Taxpayer maintains that he is not required to withhold taxes from wages paid to his employees. Taxpayer states that a “[W]-4 form is needed to legally allow for any withholding. [W]ithout a properly signed [W]-4 it is a criminal act to withhold a citizens funds if they live and work the 50 states.” Taxpayer claims that the Department is asking him “to commit theft.” In support of his position, taxpayer has attached Issue Number 233 of the “Membership Newsletter of the Save-A-Patriot Fellowship.”

Insofar as an employer’s obligation to withhold taxes, IC 6-3-4-8(a) states in part:

Except as provided in subsection (d) or (l), every employer making payments of wages subject to tax under this article, regardless of the place where such payment is made, who is required under the provisions of the Internal Revenue Code to withhold, collect, and pay over income tax on wages paid by such employer to such employee, shall, at the time of payment of such wages, deduct and retain therefrom the amount prescribed in withholding instructions issued by the department.

Each Indiana employer becomes liable for any amount of taxes withheld. IC 6-3-4-8(a) states in part that each “employer making payments of any wages... shall be liable to the state of Indiana for the payment of the tax required to be deducted and withheld under this section....”

Pursuant to IC 6-3-4-8(a), if an employer is required by the Internal Revenue Code to withhold federal taxes, that employer must do the same for state income tax purposes.

26 U.S.C.S. § 3402(a) states that, “In general. Except as otherwise provided in this section, every employer making payment of wages shall deduct and withhold upon such wages a tax determined in accordance with tables or computational procedures prescribed by the Secretary.” “Withholding income tax by an employer is required on each of an employee’s wage payments.” 2005 U.S. Master Tax Guide para. 2601, p. 690 (CCH 2005). 26 U.S.C.S. § 3401(a) states that, “For purposes of this chapter [26 USCS §§ 3401 et seq.], the term “wages” means all remuneration (other than fees paid to a public official) for services performed by an employee for his employer....” The term “employer” includes not only individuals and organizations engaged in a trade or business, but also organizations exempt from income, social security, and unemployment taxes. Treas. Reg. § 31.3401(d). Withholding also applies to wages and salaries of employees, corporate officers, or elected officials of federal, state, and local governmental entities. 26 U.S.C.S. § 3401(c).

Taxpayer points to 26 U.S.C.S. § 3402(p) in support of his contention that the withholding of taxes is voluntary. Taxpayer is correct to the extent that certain specified payments are subject to voluntary withholding. However, the withholding of taxes from ordinary wages is not “voluntary.” “Taxpayers may request voluntary withholding from certain federal payments other than wages. Payments subject to voluntary withholding include social security benefits, crop disaster payments, Commodity Credit Corporation loans, and any other payments to be specified in regulations by the IRS.” 2005 U.S. Master Tax Guide para. 2601, p. 694 (CCH 2005). *See* Treas. Reg. § 31.3401(c)-1(c). Therefore, if an individual employee is receiving one of these designated payments in *addition* to his regular salary, the employee may voluntarily request that his employer withhold an additional amount from his regular paycheck.

The Internal Revenue Code requires that every employer withhold federal taxes from employees’ wages. The Indiana Code requires that every employer subject to the federal withholding law simultaneously withhold state income taxes. Neither the federal nor state withholding requirement is “voluntary.”

FINDING

Taxpayer’s protest is denied.

II. Involuntary Servitude.

Taxpayer asserts his “rights not to be an unpaid tax collector which the [T]hirteenth [A]mendment guarantees protection from involuntary servitude.”

U.S. Const. amend. XIII, § 1 states that “Neither slavery nor involuntary servitude except as a punishment from crime whereof the party shall have been convicted shall exist within the United States, or any place subject to their jurisdiction.”

There is nothing which supports taxpayer’s contention that requiring taxpayer to withhold state income taxes equate to “slavery” or “involuntary servitude.” As explained by the Court of Appeals for the Tenth Circuit, “If the requirements of the tax laws were to be classed as servitude, they would not be the kind of involuntary servitude referred to in the Thirteenth Amendment.” Porth v. Brodrick, 214 F.2d 925, 926 (10th Cir. 1954). The court further held that the petitioner’s claim to the contrary was, “unsubstantial and without merit” as well as “far-fetched and frivolous.” Id.

The Department is unable to agree with taxpayer’s claim that requiring him to comply with the withholding requirement equates to a form of servitude. The enforcement of the withholding requirement is not the imposition of servitude. It is the collection of a tax and the enforcement of an obligation which, under well-settled law, the taxpayer may be lawfully subjected to. The enforcement

Nonrule Policy Documents

of the law imposing state income tax is not a violation of the Thirteenth Amendment. *See* Abney v. Campbell, 206 F.2d 836, 841 (5th Cir. 1953).

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0420050023.LOF

**LETTER OF FINDINGS NUMBER 05-0023
RESPONSIBLE OFFICER
SALES TAX and WITHHOLDING TAX
For Tax Period 2002**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning specific issues.

ISSUE

Sales and Withholding Tax -Responsible Officer Liability

Authority: IC 6-2.5-9-3, IC 6-3-4-8 (f), IC 6-8.1-5-1 (b).

The taxpayer protests the assessment of responsible officer liability for unpaid corporate sales and withholding taxes.

STATEMENT OF FACTS

The taxpayer was the incorporator and an officer of two related corporations that did not remit the proper amount of sales and withholding taxes to Indiana for the tax period 2002. After the taxpayer was personally assessed for the taxes, penalties and interest, she filed a protest. The taxpayer protested the assessment and a hearing was held. This Letter of Findings results.

Sales and Withholding Tax-Responsible Officer Liability

DISCUSSION

The proposed sales tax liability was issued under authority of IC 6-2.5-9-3 that provides as follows:

An individual who:

- (1) is an individual retail merchant or is an employee, officer, or member of a corporate or partnership retail merchant; and
- (2) has a duty to remit state gross retail or use taxes to the department;

holds those taxes in trust for the state and is personally liable for the payment of those taxes, plus any penalties and interest attributable to those taxes, to the state.

The proposed withholding taxes were assessed against the taxpayer pursuant to IC 6-3-4-8(f), which provides that "In the case of a corporate or partnership employer, every officer, employee, or member of such employer, who, as such officer, employee, or member is under a duty to deduct and remit such taxes shall be personally liable for such taxes, penalties, and interest."

Indiana Department of Revenue assessments are prima facie evidence that the tax assessment is correct. The taxpayer bears the burden of proving that the assessment is incorrect. IC 6-8.1-5-1 (b).

The corporations were engaged in the provision of financial and business services. The subject tax liability concerns sales and withholding taxes collected but not remitted by a restaurant. The taxpayer contends that she was not involved in the restaurant business. The tax identification number of the restaurant was the same as one of the corporations that the taxpayer incorporated. She did not provide any evidence that the restaurant was not connected to her corporations.

The taxpayer was the sole incorporator of both corporations. She was an officer and admitted that she performed bookkeeping services including filing tax returns. She contends that she left the businesses prior to the tax period. She did not produce adequate documentation that she was not involved with the corporations during the tax period.

FINDING

The taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0120050026.LOF

**LETTER OF FINDINGS: 05-0026
Individual Adjusted Gross Income Tax
For 1999 and 2000**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of

publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUES

I. Sufficiency of Information Used to Determine State Income Tax Assessments.

Authority: IC 6-8.1-5-1(a); IC 6-8.1-5-1(b).

Taxpayer maintains that the assessment of state income taxes is based upon unverified information obtained from the Internal Revenue Service.

II. Absence of OMB Numbers.

Authority: 44 U.S.C.S. § 3502(11); 44 U.S.C.S. § 3507(f); 44 U.S.C.S. § 3512; 44 U.S.C.S. §§ 3501-3520; *United States v. Holden*, 963 F.2d 1114 (8th Cir. 1992).

Taxpayer states that because the directions for federal income tax forms lack an OMB number, the federal income tax assessments – along with the consequent state tax assessments – are invalid.

III. Tax Records.

Authority: I.R.C. § 6001; I.R.C. § 6011(a); Treas. Reg. § 1.6001-1(a).

Taxpayer argues that because the Secretary of the Treasury never notified him that he was required to maintain federal tax records, the federal tax assessments – along with state tax assessments for the same years – are invalid.

IV. Liability for State Income Taxes.

Authority: *Schiff v. United States*, 919 F.2d 830 (2nd Cir. 1990); 28 Ind. Reg. 1958.

Taxpayer claims that nothing in either state or federal law renders him “liable” for federal or state income taxes.

STATEMENT OF FACTS

Taxpayer is an Indiana resident. The Department of Revenue (Department) received information from the Internal Revenue Service indicating that taxpayer had obtained unreported income. The IRS information was used in calculating taxpayer's state income tax liability. The Department then sent taxpayer notices of “Proposed Assessment.” Taxpayer objected to the assessments and sent the Department a series of letters in which he requested additional information. The Department responded by forwarding what it regarded as the appropriate information. Taxpayer determined that the Department's response was inadequate and continued his initial objections. The matter was treated as a protest, was assigned to a Hearing Officer, and an administrative hearing was conducted. Taxpayer restated his objections during the hearing, and this Letter of Findings results.

DISCUSSION

I. Sufficiency of Information Used to Determine State Income Tax Assessments.

Taxpayer argues that the information upon which the Department relied was insufficient and unverified.

The Department based the proposed assessments upon information obtained from the IRS. The IRS shared the information with the Department after the IRS concluded that taxpayer failed to file federal returns for 1999 and 2000 but had nonetheless received taxable income during those years. The information provided by the IRS was gathered after it conducted an audit on February 13, 2004.

Indiana law provides as follows: “If the department reasonably believes that a person has not reported the proper amount of tax due, the department *shall* make a proposed assessment of the amount of the unpaid tax due on the basis of the best information available to the department.” IC 6-8.1-5-1(a) (*Emphasis added*).

In taxpayer's case, the Department believed that the “best information available” consisted of the information obtained from the IRS after the IRS audited taxpayer. After obtaining that information, the Department fulfilled its legal responsibility to make a “proposed assessment.”

Nonetheless, taxpayer claims that the information obtained from the IRS is both unverified and unreliable. Specifically, taxpayer claims that both Indiana's proposed assessment and the original IRS information are unsigned and lack supporting documentation.

However, it is not the Department's responsibility to bolster the credibility or accuracy of the information obtained from the IRS. The Department found that the IRS information was the “best information available” at the time the proposed state income tax assessments were issued. There is nothing on the face of the IRS information which would raise a question as to either the legitimacy or accuracy of that information. Having received that information, the Department was bound by statute to issue the proposed assessments for 1999 and 2000 state taxes.

Taxpayer has provided the Department nothing which would cause the Department to question the IRS information. Taxpayer's generalized objections, that the information is unreliable and unverified, do nothing which strike to the heart of the matter. Were the proposed assessments correct? Did the IRS err in calculating taxpayer's adjusted gross income? Did the Department overlook a deduction or exemption to which taxpayer was entitled? Did someone in the IRS or the Department make a clerical error? Taxpayer has not raised these or any similar objections.

Indiana law provides that, “The notice of proposed assessment is prima facie evidence that the department's claim for the unpaid tax is valid. The burden of proving that the proposed assessment is wrong rests with the person against whom the proposed assessment is wrong.” IC 6-8.1-5-1(b). Metaphorically speaking, once a proposed assessment is made, the ball is in the taxpayer's court; it is up to the taxpayer to provide something to challenge the proposed assessment. In this case, taxpayer has done nothing which would lead the Department to believe that the proposed assessments of state income tax were somehow erroneous.

FINDING

Taxpayer's protest is denied.

II. Absence of OMB Numbers.

Taxpayer claims that the proposed state income tax assessments are invalid because directions for the federal tax forms – upon which state assessments were based – did not contain OMB numbers.

Taxpayer's argument is apparently based on the fact that the regulations and directions accompanying the federal tax forms do not have an OMB number.

Under the Paperwork Reduction Act of 1980 (1980 Act), 44 U.S.C.S. §§ 3501-3520, any information collection request from a federal agency must display a control number issued by the Director of the Office of Management and Budget (OMB). 44 U.S.C.S. § 3507(f). If an agency's information collection request does not display the OMB control number assigned by the Director, no person can be penalized for failing to provide the requested information. 44 U.S.C.S. § 3512. The 1980 Act defines an information collection request as a written report form, application form, schedule, questionnaire, reporting or recordkeeping requirement, collection of information requirement, or other similar method calling for the collection of information. 44 U.S.C.S. § 3502(11). Although tax forms fall within the Act's definition of information collection requests, tax instruction booklets do not. Because tax instruction booklets simply assist a taxpayer in completing tax forms and ensure compliance with the information collection requests, booklets are not required to display an OMB number. As long as the 1040 form complies with the Act, nothing more is required. *See United States v. Holden*, 963 F.2d 1114 (8th Cir. 1992).

Taxpayer's challenge to the proposed assessments of state income tax – based on the fact that the federal printed instructions lack an OMB number – is not well founded.

FINDING

Taxpayer's protest is denied.

III. Tax Records.

According to taxpayer, I.R.C. §§ 6001, 6011 require that the United States Secretary of Treasury personally notify taxpayer of the taxpayer's obligation to maintain tax records. Taxpayer concludes that because the Secretary of Treasury did not notify taxpayer he was required to keep those records, the federal assessment – and the related state tax assessments – are invalid.

I.R.C. § 6001 states in part as follows:

Every person liable for any tax imposed by this title, or for the collection thereof, shall keep such records, render such statements, make such returns, and comply with such rules and regulations as the Secretary may from time to time prescribe. Whenever in the judgment of the Secretary it is necessary, he may require any person, by notice served upon such person *or by regulations*, to make such returns, render such statements, or keep such records, as the Secretary deems sufficient to show whether or not such person is liable for tax under this title. (*Emphasis added*).

I.R.C. § 6011(a) states, as a general rule, as follows:

When required by regulations prescribed by the Secretary any person made liable for any tax imposed by this title, or with respect to the collection thereof, shall make a return or statement according to the forms and regulations prescribed by the Secretary. Every person required to make a return or statement shall include therein the information required by such forms or regulations.

Taxpayer reads I.R.C. §§ 6001, 6011 as requiring that the Secretary of the Treasury notify taxpayer of any obligation to maintain financial records. Although the Secretary may not have personally notified taxpayer of taxpayer's obligation to maintain adequate records, the IRS – acting under authority promulgated by the Department of the Treasury – has issued a regulation requiring all taxpayers to keep accurate, permanent books and records in order to be able to determine the various types of income, gains, losses, costs, and any other amounts that affect taxpayers' income tax liability for each year. Treas. Reg. § 1.6001-1(a).

FINDING

Taxpayer's protest is denied.

IV. Liability for State Income Taxes.

Taxpayer maintains that nothing in either federal or state law makes him "liable" for federal or state income taxes. Taxpayer's semantic argument has been previously addressed by the Department in Letter of Findings 01-20040265 issued December 23, 2004 (28 Ind. Reg. 1958). *See also Schiff v. United States*, 919 F.2d 830, 834 (2nd Cir. 1990). This argument is without substance and will not be readdressed here.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0120050052P.LOF

LETTER OF FINDINGS NUMBER: 05-0052P**Income Tax****For the Calendar Year 2003**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of

publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Tax Administration – Penalty

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2;

The taxpayer protests the late penalty, and the underpayment penalty for estimated tax.

STATEMENT OF FACTS

The late penalty and estimated tax underpayment penalty were assessed on the filing of a calendar year individual income tax return for the year 2003.

The taxpayer is an individual residing in Indiana.

I. Tax Administration – Penalty

DISCUSSION

The taxpayer argues the late penalty should be abated as the taxpayer did not have the K-1 information available to pay the tax by the due date. Also, the taxpayer says the penalty is excessive in that it is 42.4%.

With regard to the excessive penalty of 42.4%. The Department points out the taxpayer is mistaken. The unpaid tax balance is assessed 10% penalty and the tax balance only accrues simple interest at the rate of 4% per year.

With regard to the lack of information, the Department has in place a system where the taxpayer can pay an estimate at the due date and then request a refund at the actual filing of the return. It is a system that is in common use for taxpayers who do not have the information available to file an income tax return at the due date.

45 IAC 15-11-2(b) states, "Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer."

The Department finds the taxpayer was inattentive of tax duties. Inattention is negligence and negligence is subject to penalty. As such, the Department finds the penalty proper and denies the penalty protest.

FINDING

The taxpayer's penalty protest is denied.

DEPARTMENT OF STATE REVENUE

0420050087.LOF

LETTER OF FINDINGS NUMBER 05-0087

RESPONSIBLE OFFICER

SALES TAX and WITHHOLDING TAX

For Tax Period 1987-1991

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning specific issues.

ISSUE

Sales and Withholding Tax -Responsible Officer Liability

Authority: IC 6-2.5-9-3, IC 6-3-4-8 (f), IC 6-8.1-5-1 (b).

The taxpayer protests the assessment of responsible officer liability for unpaid corporate sales and withholding taxes.

STATEMENT OF FACTS

The taxpayer was an officer of a corporation that did not remit the proper amount of sales and withholding taxes to Indiana for the tax period 1987-1991. After the taxpayer was personally assessed for the taxes, penalties and interest, he filed a protest. A hearing was scheduled for April 28, 2005. The taxpayer did not appear for the hearing. Therefore, this Letter of Findings is based upon the documentation in the file.

Sales and Withholding Tax-Responsible Officer Liability

DISCUSSION

The proposed sales tax liability was issued under authority of IC 6-2.5-9-3 that provides as follows:

An individual who:

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- (1) is an individual retail merchant or is an employee, officer, or member of a corporate or partnership retail merchant; and
- (2) has a duty to remit state gross retail or use taxes to the department;

holds those taxes in trust for the state and is personally liable for the payment of those taxes, plus any penalties and interest attributable to those taxes, to the state.

The proposed withholding taxes were assessed against the taxpayer pursuant to IC 6-3-4-8(f), which provides that "In the case of a corporate or partnership employer, every officer, employee, or member of such employer, who, as such officer, employee, or member is under a duty to deduct and remit such taxes shall be personally liable for such taxes, penalties, and interest."

Indiana Department of Revenue assessments are prima facie evidence that the tax assessment is correct. The taxpayer bears the burden of proving that the assessment is incorrect. IC 6-8.1-5-1 (b).

The taxpayer admitted that he was the party responsible for the remittance of sales and withholding taxes to the state. He protested the amount of the tax liability as assessed by the Indiana Department of Revenue. He failed, however, to provide any documentation to demonstrate that the assessments were incorrect. Therefore, he did not sustain his burden of proof.

FINDING

The taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0320050128.LOF

**LETTER OF FINDINGS NUMBER 05-0128
RESPONSIBLE OFFICER
WITHHOLDING TAX
For Tax Period 1995-2002**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning specific issues.

ISSUE

Withholding Tax -Responsible Officer Liability

Authority: IC 6-3-4-8 (f), IC 6-8.1-5-1 (b).

The taxpayer protests the assessment of responsible officer liability for unpaid corporate withholding taxes.

STATEMENT OF FACTS

The taxpayer was an incorporator and officer of a corporation that did not remit the proper amount of withholding taxes to Indiana for the tax period 1995-2002. After the taxpayer was personally assessed for the taxes, penalties and interest, he filed a protest. The taxpayer protested the assessment and a hearing was held. This Letter of Findings results.

Withholding Tax-Responsible Officer Liability

DISCUSSION

The proposed withholding taxes were assessed against the taxpayer pursuant to IC 6-3-4-8(f), which provides that "In the case of a corporate or partnership employer, every officer, employee, or member of such employer, who, as such officer, employee, or member is under a duty to deduct and remit such taxes shall be personally liable for such taxes, penalties, and interest."

Indiana Department of Revenue assessments are prima facie evidence that the tax assessment is correct. The taxpayer bears the burden of proving that the assessment is incorrect. IC 6-8.1-5-1 (b).

The taxpayer argued that he sold his interest in the corporation to another person in December, 1993 and was not in the position of a person responsible for the remittance of withholding taxes to the state of Indiana after that time. The taxpayer offered substantial documentation of the sale confirming his contention. The taxpayer sustained his burden of proving that he was not a person with the duty to remit withholding taxes to the state after December, 1993.

FINDING

The taxpayer's protest is sustained.

DEPARTMENT OF STATE REVENUE

0220050141P.LOF

**LETTER OF FINDINGS NUMBER: 05-0141P
Income Tax
For the Calendar Year 1999**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of

publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Tax Administration – Penalty

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2;

The taxpayer protests the underpayment penalty.

STATEMENT OF FACTS

The underpayment penalty was assessed on the filing of a calendar year income tax return for the year 1999.

The taxpayer is an out-of-state company.

I. Tax Administration – Penalty

DISCUSSION

The taxpayer argues the underpayment penalty should be abated as the taxpayer exerted reasonable care, and, the error was the result of an internal computer error.

The Department has consistently held in prior rulings the taxpayer is responsible for the proper operation of the taxpayer's computer equipment. As such, the taxpayer is liable for any errors resulting from the malfunction of the computer equipment.

45 IAC 15-11-2(b) states, "Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer."

The Department finds the taxpayer was inattentive of tax duties. Inattention is negligence and negligence is subject to penalty. As such, the Department finds the penalty proper and denies the penalty protest.

FINDING

The taxpayer's penalty protest is denied.

DEPARTMENT OF STATE REVENUE

Revenue Ruling #2005-06ST

June 1, 2005

Notice: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

Sales and Use Tax—Rental of Mobile PET Imaging Equipment

Authority: IC 6-2.5-4-10(a); IC 6-2.5-1-21; 45 IAC 2.2-4-27(d) (3)(c).

STATEMENT OF FACTS

The taxpayer provides diagnostic imaging and imaging-guided therapy services. The taxpayer operates and manages freestanding imaging centers and provides positron emission tomography (PET) equipment to various medical providers. The taxpayer requested this sales tax ruling pertaining to a Mobile PET Scanner Lease and Operating Agreement between the taxpayer and a hospital.

DISCUSSION

IC 6-2.5-4-10(a) states that a person, other than a public utility, is a retail merchant making a retail transaction when he rents or leases tangible personal property to another person other than for subrent or sublease. IC 6-2.5-1-21 defines a lease or rental as any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration and may include future options to purchase or extend. 45 IAC 2.2-4-27(d) (3)(c) states that when tangible personal property is rented or leased along with the service of an operator, sales tax is imposed on the property rental. The tax is not imposed upon the charges for the operator's services, provided that such charges are separately stated on the invoice rendered by the lessor to the lessee.

In the agreement between the taxpayer and the hospital, the taxpayer is stated as engaged in the business of leasing PET equipment and performing certain operational activities in connection with the equipment. The agreement specifies that access to the mobile PET scanner is limited to the taxpayer's personnel, the hospital's personnel, designated physicians, and patients. The taxpayer is responsible for the operation of the mobile PET scanner—subject to the overall supervision of the hospital or the hospital's designated physician. All PET scans are to be performed under the direction and supervision of the hospital's designated physician. The taxpayer is restricted by the agreement from interpreting PET scans, labeling films, rendering medical advice, or

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performing any medical diagnosis or treatment, or from preparing any report related to a patient receiving a PET scan on the mobile scanner equipment.

As described and defined in the agreement between the taxpayer and the hospital, the taxpayer is providing equipment and an operator. However, the hospital has received control of the equipment. The rental is taxable.

RULING

The Department rules that sales tax is to be charged and collected on the charges for the rental of the mobile PET Scanner.

CAVEAT

This ruling is issued to the taxpayer requesting it on the assumption that the taxpayer's facts and circumstances, as stated herein are correct. If the facts and circumstances given are not correct, or if they change, then the taxpayer requesting this ruling may not rely on it. However, other taxpayers with substantially identical factual situations may rely on this ruling for informational purposes in preparing returns and making tax decisions. If a taxpayer relies on this ruling and the Department discovers, upon examination, that the fact situation of the taxpayer is different in any material respect from the facts and circumstances given in this ruling, then the ruling will not afford taxpayer any protection. It should be noted that subsequent to the publication of this ruling, a change in statute, regulation, or case law could void the ruling. If this occurs, the ruling will not afford the taxpayer any protection

Indiana Department of State Revenue

DEPARTMENT OF STATE REVENUE

Indiana Department of State Revenue

Revenue Ruling #2005-07ST

June 6, 2005

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUES

Sales and Use Tax—Purchase of tools and raw materials directly used in the direct fabrication of materials

Authority: IC 6-2.5-5-3; IC 6-2.5-5-6; 45 IAC 2.2-5-10(a).

Sales and Use Tax—Purchase of wiring and other related items that enable production equipment to operate

Authority: 45 IAC 2.2-5-8(g)(5).

STATEMENT OF FACTS

The taxpayer is a construction company. It is considering the formation of a separate legal entity that will assume fabrication operations for the construction company. In most instances, the construction company will retain title to the materials that will become part of the final output. The fabrication operations will charge the construction company a fee for the services.

The taxpayer seeks a ruling on whether the purchase of tools and raw materials directly used in direct fabrication of components sold to the construction company are exempt from sales tax under the production exemption, IC 6-2.5-5-3.

The fabrication operations also is considering the construction of a fabrication shop. Part of the project will involve electrical and other work that will make it possible for production equipment to operate.

The taxpayer seeks a ruling on whether the purchase of wiring and other related items that enable production equipment to operate qualify for the production exemption to sales tax.

DISCUSSION

Taxpayer has stated that the fabrication process used by Fabrication Operations will consist of two parts. The first part consists of the purchase of raw materials and the use of tools to fabricate metal posts and plates. IC 6-2.5-5-3 states that the purchase of tools and equipment acquired for direct use in the fabrication of other tangible property is exempt from sales tax. Therefore, any tools purchased by Fabrication Operations that will be directly used in fabrication will be exempt from sales tax. As for the raw materials, they are exempt under IC 6-2.5-5-6, which states that the purchase of tangible personal property is exempt if it is acquired for incorporation into other tangible personal property which the purchaser manufactures, assembles, refines, or processes for sale in his business.

Fabrication Operations states it will use its own tools on Construction Company's raw materials to process metal parts. This falls under 45 IAC 2.2-5-10(a) which interprets IC 6-2.5-5-3. The application of the regulation means that if Fabrication Operations acquires tangible personal property belonging to Construction Company, processes that property, and then transfers it back to Construction Company for resale—then Fabrication Operations is an industrial processor. As an industrial processor, Fabrication Operations is exempt from sales tax. Tools purchased by Fabrication Operations used in fabrication will be exempt from sales tax.

Concerning the purchase by Fabrication Operations of wiring and other related items that enable production equipment to operate, the example in 45 IAC 2.2-5-8(g)(5) states:

A metal manufacturer uses a variety of electrically-powered production equipment which has differing voltage and

power requirements. Power cables used to bring electricity to the manufacturer's plant are taxable. Switch gears, transformers, conduits, cables, controls, rectifiers, and generators which are interconnected with the production equipment and serve as an electrical distribution system for such equipment are exempt from tax. Items used to distribute electricity for general lighting and space heating are taxable.

Since the taxpayer has not stated specifically what wiring and parts are to be employed and where they are to be employed, and because exemption scenarios are fact sensitive, the example from 45 IAC 2.2-5-8(g)(5) serves as a guide to the taxpayer.

RULING

The Department rules that tools purchased by Fabrication Operations that are directly used in fabrication will be exempt from sales tax. Purchases of raw materials are exempt from sales tax when acquired for incorporation into other tangible personal property which the purchaser manufactures, assembles, refines, or processes for sale. Wiring and parts are exempt when connected to production equipment that is directly used in direct production and serve as part of an electrical distribution system for such equipment. Wiring and parts are taxable sales when they are not directly connected to production equipment.

CAVEAT

This ruling is issued to the taxpayer requesting it on the assumption that the taxpayer's facts and circumstances, as stated herein are correct. If the facts and circumstances given are not correct, or if they change, then the taxpayer requesting this ruling may not rely on it. However, other taxpayers with substantially identical factual situations may rely on this ruling for informational purposes in preparing returns and making tax decisions. If a taxpayer relies on this ruling and the Department discovers, upon examination, that the fact situation of the taxpayer is different in any material respect from the facts and circumstances given in this ruling, then the ruling will not afford taxpayer any protection. It should be noted that subsequent to the publication of this ruling, a change in statute, regulation, or case law could void the ruling. If this occurs, the ruling will not afford the taxpayer any protection

Indiana Department of State Revenue

Rules Affected by Volume 28

TITLE 25 INDIANA DEPARTMENT OF ADMINISTRATION

25 IAC 5-3-2	A	05-25	28 IR 2761	
25 IAC 5-3-5	A	05-25	28 IR 2762	
25 IAC 5-3-6	A	05-25	28 IR 2764	
25 IAC 5-4-1	A	05-25	28 IR 2765	
25 IAC 5-4-2	A	05-25	28 IR 2766	
25 IAC 5-6-2	A	05-25	28 IR 2766	
25 IAC 6	N	04-172	27 IR 3595	*CPH (28 IR 234)
	N	05-123	28 IR 3328	

TITLE 28 STATE INFORMATION TECHNOLOGY OVERSIGHT COMMISSION

28 IAC	N	04-123	28 IR 986	*CPH (28 IR 1498)
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TITLE 31 STATE PERSONNEL DEPARTMENT

31 IAC 1-9-4	A	04-170	27 IR 4049	
31 IAC 2-11-4	A	04-170	27 IR 4049	

TITLE 40 STATE ETHICS COMMISSION

40 IAC 2-1-5.5	N	04-198	28 IR 987	*AROC (28 IR 3354)
			28 IR 2160	
40 IAC 2-1-6	A	04-198	28 IR 987	*AROC (28 IR 3354)
			28 IR 2160	
40 IAC 2-1-7	A	04-198	28 IR 988	*AROC (28 IR 3354)
			28 IR 2161	

TITLE 45 DEPARTMENT OF STATE REVENUE

45 IAC 1.3	N	04-125	27 IR 3101	
45 IAC 18	R	04-292	28 IR 1518	
45 IAC 18-3-7	R	04-255	28 IR 624	*AWR (28 IR 971)
45 IAC 18-3-7.1	N	04-255	28 IR 623	*AWR (28 IR 971)
45 IAC 18-3-8	R	04-255	28 IR 624	*AWR (28 IR 971)
45 IAC 18-3-8.1	N	04-255	28 IR 623	*AWR (28 IR 971)
45 IAC 20	N	04-292	28 IR 1500	

TITLE 50 DEPARTMENT OF LOCAL GOVERNMENT FINANCE

50 IAC 20	N	04-174	27 IR 3603	*AROC (27 IR 3707)
				28 IR 1458
50 IAC 21	N	02-297	27 IR 4050	28 IR 1452

TITLE 65 STATE LOTTERY COMMISSION

65 IAC 1-4-5.5	A	04-237		*ER (28 IR 217)
65 IAC 4-2-6	A	05-36		*ER (28 IR 2153)
65 IAC 4-90	R	04-249		*ER (28 IR 227)
65 IAC 4-99	R	04-249		*ER (28 IR 227)
65 IAC 4-205	R	04-249		*ER (28 IR 227)
65 IAC 4-248	R	04-249		*ER (28 IR 227)
65 IAC 4-272	R	04-249		*ER (28 IR 227)
65 IAC 4-287	R	04-249		*ER (28 IR 227)
65 IAC 4-317	R	04-249		*ER (28 IR 227)
65 IAC 4-319	R	04-249		*ER (28 IR 227)
65 IAC 4-321	R	04-249		*ER (28 IR 227)
65 IAC 4-332	R	04-249		*ER (28 IR 227)
65 IAC 4-343	R	04-249		*ER (28 IR 227)
65 IAC 4-348	N	04-241		*ER (28 IR 221)
65 IAC 4-349	N	04-283		*ER (28 IR 975)
65 IAC 4-350	N	04-252		*ER (28 IR 229)
65 IAC 4-352	N	04-284		*ER (28 IR 978)
65 IAC 4-353	N	04-329		*ER (28 IR 1492)
65 IAC 4-354	R	04-249		*ER (28 IR 227)
65 IAC 4-355	N	05-32		*ER (28 IR 2147)
65 IAC 4-356	N	05-87		*ER (28 IR 2734)
65 IAC 4-359	R	04-249		*ER (28 IR 227)
65 IAC 4-367	R	04-249		*ER (28 IR 227)
65 IAC 4-383	R	04-249		*ER (28 IR 227)
65 IAC 4-390	R	04-249		*ER (28 IR 227)
65 IAC 4-401	R	04-249		*ER (28 IR 227)
65 IAC 4-402	R	04-249		*ER (28 IR 227)
65 IAC 4-403	R	04-249		*ER (28 IR 227)

65 IAC 4-404	R	04-249		*ER (28 IR 227)
65 IAC 4-405	R	04-249		*ER (28 IR 227)
65 IAC 4-406	R	04-249		*ER (28 IR 227)
65 IAC 4-408	R	04-249		*ER (28 IR 227)
65 IAC 4-437	R	04-249		*ER (28 IR 227)
65 IAC 4-439	R	04-249		*ER (28 IR 227)
65 IAC 4-440	R	04-249		*ER (28 IR 227)
65 IAC 4-441	R	04-249		*ER (28 IR 227)
65 IAC 4-442	R	04-249		*ER (28 IR 227)
65 IAC 4-443	R	04-249		*ER (28 IR 227)
65 IAC 4-445	R	04-249		*ER (28 IR 227)
65 IAC 4-446	R	04-249		*ER (28 IR 227)
65 IAC 4-447	R	04-249		*ER (28 IR 227)
65 IAC 4-448	R	04-249		*ER (28 IR 227)
65 IAC 4-450	R	04-249		*ER (28 IR 227)
65 IAC 4-453	R	04-249		*ER (28 IR 227)
65 IAC 5-2-6	A	05-36		*ER (28 IR 2153)
65 IAC 5-13	R	04-249		*ER (28 IR 227)
65 IAC 5-14	R	04-249		*ER (28 IR 227)
65 IAC 5-15	R	04-249		*ER (28 IR 227)
65 IAC 5-16	N	05-28		*ER (28 IR 2142)
65 IAC 5-17	N	05-83		*ER (28 IR 2731)
65 IAC 5-18	N	05-88		*ER (28 IR 2738)
65 IAC 5-18-5	A	05-136		*ER (28 IR 2993)
65 IAC 5-19	N	05-159		*ER (28 IR 3313)
65 IAC 6-2-6	A	05-36		*ER (28 IR 2154)

TITLE 68 INDIANA GAMING COMMISSION

68 IAC 1-5-1	A	04-103	27 IR 3115	28 IR 532
68 IAC 2-3-5	A	04-103	27 IR 3115	28 IR 533
68 IAC 2-3-6	A	04-103	27 IR 3117	28 IR 535
68 IAC 2-3-9	A	04-103	27 IR 3118	28 IR 535
68 IAC 2-6-49	A	04-102	27 IR 3109	28 IR 526
68 IAC 2-7-12	A	04-102	27 IR 3109	28 IR 526
68 IAC 5-3-2	A	04-102	27 IR 3109	28 IR 526
68 IAC 5-3-7	A	04-102	27 IR 3109	28 IR 527
68 IAC 8-1-11	A	04-102	27 IR 3110	28 IR 527
68 IAC 8-2-29	A	04-102	27 IR 3110	28 IR 527
68 IAC 9-4-8	A	04-102	27 IR 3110	28 IR 527
68 IAC 10-1-5	A	04-102	27 IR 3110	28 IR 527
68 IAC 11-1-8	A	04-102	27 IR 3110	28 IR 528
68 IAC 11-3-1	A	04-102	27 IR 3110	28 IR 528
68 IAC 12-1-15	A	04-102	27 IR 3111	28 IR 529
68 IAC 14-4-8	A	04-102	27 IR 3112	28 IR 529
68 IAC 14-5-6	A	04-102	27 IR 3112	28 IR 529
68 IAC 15-1-8	A	04-102	27 IR 3112	28 IR 530
68 IAC 15-3-3	A	04-179	28 IR 237	28 IR 2014
68 IAC 15-5-2	A	04-179	28 IR 237	28 IR 2014
68 IAC 15-6-2	A	04-179	28 IR 238	28 IR 2015
68 IAC 15-6-3	A	04-179	28 IR 239	28 IR 2016
68 IAC 15-6-5	A	04-179	28 IR 240	28 IR 2016
68 IAC 15-9-4	A	04-102	27 IR 3112	28 IR 530
68 IAC 15-10-4.1	A	04-102	27 IR 3113	28 IR 530
68 IAC 15-13-2.5	N	04-102	27 IR 3113	28 IR 531
68 IAC 16-1-16	A	04-102	27 IR 3113	28 IR 531
68 IAC 17-1-5	A	04-102	27 IR 3114	28 IR 531
68 IAC 17-2-6	A	04-102	27 IR 3114	28 IR 531
68 IAC 18-1-2	A	04-102	27 IR 3114	28 IR 531
68 IAC 18-1-6	A	04-102	27 IR 3114	28 IR 532

TITLE 71 INDIANA HORSE RACING COMMISSION

71 IAC 3-2-9	A	05-115		*ER (28 IR 2745)
71 IAC 3-3-11	A	05-115		*ER (28 IR 2746)
71 IAC 3-4-1	A	05-115		*ER (28 IR 2746)
71 IAC 3-7-3	R	05-115		*ER (28 IR 2751)
71 IAC 3-11-1	A	05-115		*ER (28 IR 2746)
71 IAC 5-3-1	A	05-115		*ER (28 IR 2746)
71 IAC 6-1-3	A	05-115		*ER (28 IR 2747)
71 IAC 6-1-4	N	05-115		*ER (28 IR 2748)

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71 IAC 7-1-29	A	05-115		*ER (28 IR 2748)	170 IAC 8.5-2-1	A	04-144	27 IR 4086	*CPH (28 IR 620)
71 IAC 7-3-7	A	05-115		*ER (28 IR 2749)					*AWR (28 IR 2730)
71 IAC 7-3-13	A	05-115		*ER (28 IR 2750)	170 IAC 8.5-2-3	A	04-144	27 IR 4087	*CPH (28 IR 620)
71 IAC 7-3-18	A	05-115		*ER (28 IR 2750)					*AWR (28 IR 2730)
71 IAC 7-3-29	A	05-115		*ER (28 IR 2751)	170 IAC 8.5-2-4	A	04-144	27 IR 4089	*CPH (28 IR 620)
71 IAC 7-3-36	N	05-115		*ER (28 IR 2751)					*AWR (28 IR 2730)
71 IAC 7-5-1	A	05-115		*ER (28 IR 2751)	170 IAC 8.5-2-5	A	04-144	27 IR 4092	*CPH (28 IR 620)
71 IAC 7-5-2	A	05-115		*ER (28 IR 2751)					*AWR (28 IR 2730)
71 IAC 7.5-6-3	A	05-27		*ER (28 IR 2154)					
71 IAC 13.5-3-3	A	05-115		*ER (28 IR 2751)					
TITLE 140 BUREAU OF MOTOR VEHICLES					TITLE 203 VICTIM SERVICES DIVISION				
140 IAC 4-4	RA	04-162	28 IR 323	28 IR 1315	203 IAC	N	04-63	27 IR 2526	28 IR 6
140 IAC 8-4	RA	04-162	28 IR 323	28 IR 1315	TITLE 207 CORONERS TRAINING BOARD				
TITLE 170 INDIANA UTILITY REGULATORY COMMISSION					207 IAC 2	N	04-231	28 IR 624	*ARR (28 IR 2392)
170 IAC 1-4	RA	04-163	27 IR 4140	*CPH (28 IR 620)	TITLE 240 STATE POLICE DEPARTMENT				
				28 IR 1315	240 IAC 8	RA	04-164	27 IR 4140	28 IR 677
170 IAC 1-5	RA	04-163	27 IR 4140	*CPH (28 IR 620)	TITLE 305 INDIANA BOARD OF LICENSURE FOR PROFESSIONAL GEOLOGISTS				
				28 IR 1315	305 IAC 1-2	RA	05-60	28 IR 3052	
170 IAC 4-1-15	R	04-144	27 IR 4095	*CPH (28 IR 620)	305 IAC 1-2-6	A	03-212	27 IR 216	*ARR (28 IR 215)
				*AWR (28 IR 2730)					28 IR 12
170 IAC 4-1-16	R	04-144	27 IR 4095	*CPH (28 IR 620)	305 IAC 1-3-4	A	03-212	27 IR 216	*ARR (28 IR 215)
				*AWR (28 IR 2730)					28 IR 12
170 IAC 4-1-16.5	R	04-144	27 IR 4095	*CPH (28 IR 620)	305 IAC 1-4-1	A	03-212	27 IR 217	*ARR (28 IR 215)
				*AWR (28 IR 2730)					28 IR 12
170 IAC 4-1-16.6	R	04-144	27 IR 4095	*CPH (28 IR 620)	305 IAC 1-4-2	A	03-212	27 IR 217	*ARR (28 IR 215)
				*AWR (28 IR 2730)					28 IR 13
170 IAC 4-1-17	R	04-144	27 IR 4095	*CPH (28 IR 620)	305 IAC 1-5	N	03-212	27 IR 217	*ARR (28 IR 215)
				*AWR (28 IR 2730)					28 IR 13
170 IAC 4-1-23	A	04-68	27 IR 2765	28 IR 789	TITLE 312 NATURAL RESOURCES COMMISSION				
170 IAC 4-1.2	N	04-144	27 IR 4057	*CPH (28 IR 620)	312 IAC 2-4-6	A	04-215	28 IR 626	28 IR 2348
				*AWR (28 IR 2730)	312 IAC 2-4-12	A	04-67	27 IR 3604	28 IR 1460
170 IAC 4-4.1-7	A	05-130	28 IR 3331		312 IAC 2-4-14	N	04-215	28 IR 626	28 IR 2348
170 IAC 4-4.2	N	03-305	27 IR 2312	28 IR 786	312 IAC 3-1-7	A	04-263	28 IR 1203	28 IR 2660
170 IAC 4-4.2-5	A	05-130	28 IR 3332		312 IAC 3-1-9	A	05-57	28 IR 3003	
170 IAC 4-4.3	N	05-130	28 IR 3333		312 IAC 4-6-6	A	04-208	28 IR 625	*ARR (28 IR 2140)
170 IAC 5-1-15	R	04-144	27 IR 4095	*CPH (28 IR 620)	312 IAC 5-6-5	A	04-84	28 IR 240	28 IR 1680
				*AWR (28 IR 2730)	312 IAC 5-6-5.5	N	04-210	28 IR 989	28 IR 2944
170 IAC 5-1-16	R	04-144	27 IR 4095	*CPH (28 IR 620)	312 IAC 5-14-1	A	04-155	27 IR 4100	28 IR 1461
				*AWR (28 IR 2730)	312 IAC 5-14-2	A	04-155	27 IR 4100	28 IR 1461
170 IAC 5-1-16.5	R	04-144	27 IR 4095	*CPH (28 IR 620)	312 IAC 5-14-4	A	04-155	27 IR 4101	28 IR 1462
				*AWR (28 IR 2730)	312 IAC 5-14-5	R	04-155	27 IR 4109	28 IR 1470
170 IAC 5-1-16.6	R	04-144	27 IR 4095	*CPH (28 IR 620)	312 IAC 5-14-5.1	N	04-155	27 IR 4101	28 IR 1462
				*AWR (28 IR 2730)	312 IAC 5-14-6	R	04-155	27 IR 4109	28 IR 1470
170 IAC 5-1-17	R	04-144	27 IR 4095	*CPH (28 IR 620)	312 IAC 5-14-6.1	N	04-155	27 IR 4102	28 IR 1463
				*AWR (28 IR 2730)	312 IAC 5-14-7	A	04-155	27 IR 4102	28 IR 1463
170 IAC 5-1.2	N	04-144	27 IR 4065	*CPH (28 IR 620)	312 IAC 5-14-8	A	04-155	27 IR 4102	28 IR 1464
				*AWR (28 IR 2730)	312 IAC 5-14-9	A	04-155	27 IR 4103	28 IR 1464
170 IAC 6-1-15	R	04-144	27 IR 4095	*CPH (28 IR 620)	312 IAC 5-14-11	A	04-155	27 IR 4103	28 IR 1464
				*AWR (28 IR 2730)	312 IAC 5-14-15	A	04-155	27 IR 4103	28 IR 1465
170 IAC 6-1-16	R	04-144	27 IR 4095	*CPH (28 IR 620)	312 IAC 5-14-16	A	04-155	27 IR 4104	28 IR 1465
				*AWR (28 IR 2730)	312 IAC 5-14-17	A	04-155	27 IR 4104	28 IR 1465
170 IAC 6-1-17	R	04-144	27 IR 4095	*CPH (28 IR 620)	312 IAC 5-14-18	A	04-155	27 IR 4105	28 IR 1466
				*AWR (28 IR 2730)	312 IAC 5-14-19	A	04-155	27 IR 4105	28 IR 1467
170 IAC 6-1.1	N	04-268	28 IR 1518	*CPH (28 IR 1710)	312 IAC 5-14-20	A	04-155	27 IR 4106	28 IR 1467
170 IAC 6-1.2	N	04-144	27 IR 4073	*CPH (28 IR 620)	312 IAC 5-14-21	A	04-155	27 IR 4106	28 IR 1467
				*AWR (28 IR 2730)	312 IAC 5-14-22	A	04-155	27 IR 4106	28 IR 1468
170 IAC 7-1.3-2	A	04-144	27 IR 4080	*CPH (28 IR 620)	312 IAC 5-14-24	A	04-155	27 IR 4107	28 IR 1468
				*AWR (28 IR 2730)	312 IAC 5-14-25	A	04-155	27 IR 4108	28 IR 1469
170 IAC 7-1.3-3	A	04-144	27 IR 4081	*CPH (28 IR 620)	312 IAC 5-14-26	R	04-155	27 IR 4109	28 IR 1470
				*AWR (28 IR 2730)	312 IAC 5-14-27	N	04-155	27 IR 4109	28 IR 1470
170 IAC 7-1.3-8	A	04-144	27 IR 4083	*CPH (28 IR 620)	312 IAC 6.2	N	04-66	27 IR 3119	28 IR 1459
				*AWR (28 IR 2730)	312 IAC 6.5	N	04-3	27 IR 2767	28 IR 15
170 IAC 7-1.3-9	A	04-144	27 IR 4084	*CPH (28 IR 620)	312 IAC 8	RA	03-315	27 IR 2339	28 IR 1315
				*AWR (28 IR 2730)	312 IAC 8-1-4	A	05-18	28 IR 2412	
170 IAC 7-1.3-10	A	04-144	27 IR 4085	*CPH (28 IR 620)	312 IAC 8-2-3	A	05-18	28 IR 2413	
				*AWR (28 IR 2730)					
170 IAC 7-6	RA	05-22	28 IR 2458						

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312 IAC 8-2-8	A	05-18	28 IR 2414		312 IAC 17-3-2	A	04-23	27 IR 2532	28 IR 557
312 IAC 9-1-9.5	N	03-311	27 IR 1946	28 IR 536	312 IAC 17-3-3	A	04-23	27 IR 2532	28 IR 557
312 IAC 9-1-11.5	N	03-311	27 IR 1946	28 IR 536	312 IAC 17-3-4	A	04-23	27 IR 2533	28 IR 558
312 IAC 9-2-14	N	04-253	28 IR 1522		312 IAC 17-3-6	A	04-23	27 IR 2534	28 IR 558
312 IAC 9-2-15	N	04-253	28 IR 1522		312 IAC 17-3-8	A	04-23	27 IR 2534	28 IR 558
312 IAC 9-3-2	A	03-311	27 IR 1946	28 IR 536	312 IAC 17-3-9	A	04-23	27 IR 2534	28 IR 558
312 IAC 9-3-3	A	03-311	27 IR 1947	28 IR 538	312 IAC 18-3-12	A	04-270	28 IR 1203	*GRAT (28 IR 3053)
312 IAC 9-3-4	A	03-311	27 IR 1948	28 IR 538					28 IR 2951
	A	04-253	28 IR 1523	28 IR 2945	312 IAC 18-3-18	N	04-177	28 IR 1201	28 IR 2942
312 IAC 9-3-5	A	04-253	28 IR 1523	28 IR 2945	312 IAC 18-3-19	N	04-127	28 IR 1521	28 IR 2942
312 IAC 9-3-10	A	03-311	27 IR 1949	28 IR 539	312 IAC 19	RA	03-315	27 IR 2339	28 IR 1315
312 IAC 9-3-11	A	03-311	27 IR 1949	28 IR 539	312 IAC 23	RA	05-1	28 IR 2203	
312 IAC 9-3-12	A	03-311	27 IR 1949	28 IR 539	312 IAC 25-4-102				*ERR (28 IR 214)
312 IAC 9-3-13	A	03-311	27 IR 1950	28 IR 540	312 IAC 25-4-114				*ERR (28 IR 214)
312 IAC 9-3-14	A	03-311	27 IR 1950	28 IR 540	312 IAC 25-5-16				*ERR (28 IR 214)
312 IAC 9-3-15	A	03-311	27 IR 1950	28 IR 540	312 IAC 25-6-20				*ERR (28 IR 214)
312 IAC 9-3-17	A	03-311	27 IR 1950	28 IR 540	312 IAC 25-7-1				*ERR (28 IR 214)
312 IAC 9-4-7	R	03-311	27 IR 1966	28 IR 556	312 IAC 26	RA	03-315	27 IR 2339	28 IR 1315
312 IAC 9-4-10	A	03-311	27 IR 1951						
312 IAC 9-4-11	A	03-311	27 IR 1951	28 IR 541	TITLE 315 OFFICE OF ENVIRONMENTAL ADJUDICATION				
	A	04-253	28 IR 1524	28 IR 2946	315 IAC 1	RA	04-71	27 IR 2879	28 IR 323
312 IAC 9-4-14	A	03-311	27 IR 1952	28 IR 542	315 IAC 1-2-1	A	04-70	28 IR 990	*CPH (28 IR 1498)
312 IAC 9-5-4	A	03-311	27 IR 1953	28 IR 542					*SPE
	A	04-253	28 IR 1526	28 IR 2947		A	05-73	28 IR 2772	
312 IAC 9-5-6	A	03-311	27 IR 1953	28 IR 543	315 IAC 1-3-1	A	04-70	28 IR 991	*CPH (28 IR 1498)
312 IAC 9-5-7	A	03-311	27 IR 1953	28 IR 543					*SPE
	A	04-253	28 IR 1526	28 IR 2948		A	05-73	28 IR 2773	
312 IAC 9-5-9	A	03-311	27 IR 1955	28 IR 545	315 IAC 1-3-2	A	04-70	28 IR 991	*CPH (28 IR 1498)
	A	04-253	28 IR 1528	28 IR 2950					*SPE
312 IAC 9-5-11	N	03-311	27 IR 1956	28 IR 546		A	05-73	28 IR 2774	
312 IAC 9-6-9	A	03-311	27 IR 1957	28 IR 547	315 IAC 1-3-2.1	N	04-70	28 IR 992	*CPH (28 IR 1498)
312 IAC 9-7-2	A	03-311	27 IR 1957	28 IR 547					*SPE
312 IAC 9-7-6	A	03-311	27 IR 1959	28 IR 549		N	05-73	28 IR 2775	
312 IAC 9-7-13	A	03-311	27 IR 1960	28 IR 550	315 IAC 1-3-3	A	04-70	28 IR 992	*CPH (28 IR 1498)
312 IAC 9-10-9	A	03-311	27 IR 1960	28 IR 550					*SPE
312 IAC 9-10-9.5	N	03-311	27 IR 1961	28 IR 551		A	05-73	28 IR 2775	
312 IAC 9-10-10	A	03-311	27 IR 1962	28 IR 552	315 IAC 1-3-4	A	04-70	28 IR 993	*CPH (28 IR 1498)
312 IAC 9-10-13.5	N	03-311	27 IR 1963	28 IR 553					*SPE
312 IAC 9-10-17	A	03-311	27 IR 1964	28 IR 554		A	05-73	28 IR 2776	
312 IAC 9-11-1	A	03-311	27 IR 1964	28 IR 554	315 IAC 1-3-5	A	04-70	28 IR 994	*CPH (28 IR 1498)
312 IAC 9-11-2	A	03-311	27 IR 1965	28 IR 555					*SPE
312 IAC 9-11-14	A	03-311	27 IR 1965	28 IR 555		A	05-73	28 IR 2776	
312 IAC 11	RA	05-1	28 IR 2203		315 IAC 1-3-7	A	04-70	28 IR 994	*CPH (28 IR 1498)
312 IAC 11-2-2	A	05-38	28 IR 2767						*SPE
312 IAC 11-2-5	A	04-157	28 IR 1521	28 IR 2660		A	05-73	28 IR 2777	
312 IAC 11-2-7	A	05-38	28 IR 2767		315 IAC 1-3-8	A	04-70	28 IR 994	*CPH (28 IR 1498)
312 IAC 11-2-11	A	05-38	28 IR 2768						*SPE
312 IAC 11-2-11.5	N	04-94	27 IR 4095	28 IR 1681		A	05-73	28 IR 2777	
312 IAC 11-2-11.8	N	05-38	28 IR 2768		315 IAC 1-3-9	A	04-70	28 IR 995	*CPH (28 IR 1498)
312 IAC 11-2-14.5	N	05-38	28 IR 2768						*SPE
312 IAC 11-2-20	A	05-38	28 IR 2768			A	05-73	28 IR 2778	
312 IAC 11-2-24	A	05-38	28 IR 2768		315 IAC 1-3-10	A	04-70	28 IR 995	*CPH (28 IR 1498)
312 IAC 11-2-25.2	N	05-38	28 IR 2768						*SPE
312 IAC 11-2-27.5	N	05-38	28 IR 2769			A	05-73	28 IR 2778	
312 IAC 11-3-1	A	04-94	27 IR 4095	28 IR 1681	315 IAC 1-3-12	A	04-70	28 IR 996	*CPH (28 IR 1498)
312 IAC 11-3-3	A	05-38	28 IR 2769						*SPE
312 IAC 11-4-2	A	05-38	28 IR 2770			A	05-73	28 IR 2778	
312 IAC 11-4-3	A	05-38	28 IR 2770		315 IAC 1-3-14	A	04-70	28 IR 996	*CPH (28 IR 1498)
312 IAC 11-4-4	A	05-38	28 IR 2771						*SPE
312 IAC 11-5-3	N	05-38	28 IR 2771			A	05-73	28 IR 2779	
312 IAC 12	RA	05-1	28 IR 2203		315 IAC 1-3-15	N	04-70	28 IR 996	*CPH (28 IR 1498)
312 IAC 13	RA	05-1	28 IR 2203						*SPE
312 IAC 16	RA	03-315	27 IR 2339	28 IR 1315		N	05-73	28 IR 2779	
312 IAC 16-3-2	A	04-121	27 IR 4097	28 IR 1682	TITLE 326 AIR POLLUTION CONTROL BOARD				
312 IAC 16-3-8	A	04-121	27 IR 4099	28 IR 1684	326 IAC 1-1-3	A	02-337	26 IR 1997	*ARR (27 IR 2500)
312 IAC 16-5-14	A	04-23	27 IR 2532	28 IR 556					*CPH (27 IR 2521)
312 IAC 16-5-19	A	05-14	28 IR 2410						28 IR 17
312 IAC 17	RA	03-315	27 IR 2339	28 IR 1315		A	04-299	28 IR 1815	*CPH (28 IR 2406)
312 IAC 17-3-1	A	04-23	27 IR 2532	28 IR 557					

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326 IAC 1-1-3.5	A	02-337	26 IR 1997	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 18	326 IAC 2-9-10	A	02-337	26 IR 2013	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 27
	A	04-299	28 IR 1815	*CPH (28 IR 2406)		RA	04-44	27 IR 3163	28 IR 809
326 IAC 1-1-6	N	04-180	28 IR 248	*GRAT (28 IR 2205) 28 IR 2046	326 IAC 2-9-11	RA	04-44	27 IR 3164	28 IR 810
					326 IAC 2-9-12	RA	04-44	27 IR 3165	28 IR 811
326 IAC 1-2-33.5	A	05-79	28 IR 3005		326 IAC 2-9-13	A	02-337	26 IR 2014	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 28
326 IAC 1-2-48	A	05-79	28 IR 3005	28 IR 1471					28 IR 811
326 IAC 1-2-52	A	03-228	27 IR 3120	28 IR 1471		RA	04-44	27 IR 3165	28 IR 814
326 IAC 1-2-52.2	N	03-228	27 IR 3121	28 IR 1471	326 IAC 2-9-14	RA	04-44	27 IR 3167	28 IR 814
326 IAC 1-2-52.4	N	03-228	27 IR 3121	28 IR 1471	326 IAC 3-4-1	A	02-337	26 IR 2016	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 30
326 IAC 1-2-65	A	02-337	26 IR 1997	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 18					28 IR 31
				28 IR 1471	326 IAC 3-4-3	A	02-337	26 IR 2016	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 31
326 IAC 1-2-82.5	N	03-228	27 IR 3121	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 18					28 IR 31
326 IAC 1-2-90	A	02-337	26 IR 1998	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 18	326 IAC 3-5-2	A	02-337	26 IR 2017	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 32
	A	05-79	28 IR 3006						28 IR 32
326 IAC 1-3-4	A	03-228	27 IR 3121	28 IR 1471	326 IAC 3-5-3	A	02-337	26 IR 2019	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 33
326 IAC 1-4-1	A	04-148	27 IR 3606	28 IR 1182					28 IR 33
326 IAC 2-2-13	A	02-337	26 IR 1998	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 19	326 IAC 3-5-4	A	02-337	26 IR 2019	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 34
				28 IR 19					28 IR 34
326 IAC 2-2-16	A	02-337	26 IR 1999	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 20	326 IAC 3-5-5	A	02-337	26 IR 2020	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 34
				28 IR 20					28 IR 34
326 IAC 2-5-1-1	RA	04-44	27 IR 3144	28 IR 791	326 IAC 3-6-1	A	02-337	26 IR 2022	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 36
326 IAC 2-5-1-2	RA	04-44	27 IR 3145	28 IR 791					28 IR 36
326 IAC 2-5-5-1	RA	04-44	27 IR 3146	28 IR 792	326 IAC 3-6-3	A	02-337	26 IR 2022	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 37
326 IAC 2-5-5-2	RA	04-44	27 IR 3146	28 IR 793					28 IR 37
326 IAC 2-5-5-3	RA	04-44	27 IR 3146	28 IR 793	326 IAC 3-6-5	A	02-337	26 IR 2023	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 37
326 IAC 2-5-5-4	RA	04-44	27 IR 3147	28 IR 793					28 IR 37
326 IAC 2-5-5-5	RA	04-44	27 IR 3147	28 IR 794	326 IAC 3-7-2	A	02-337	26 IR 2024	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 38
326 IAC 2-5-5-6	RA	04-44	27 IR 3147	28 IR 794					28 IR 38
326 IAC 2-6-1-1	RA	04-44	27 IR 3149	28 IR 795	326 IAC 3-7-4	A	02-337	26 IR 2025	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 40
326 IAC 2-6-1-2	RA	04-44	27 IR 3149	28 IR 795					28 IR 40
326 IAC 2-6-1-3	RA	04-44	27 IR 3149	28 IR 795	326 IAC 5-1-2	A	02-337	26 IR 2026	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 40
326 IAC 2-6-1-4	RA	04-44	27 IR 3150	28 IR 796					28 IR 40
326 IAC 2-6-1-5	RA	04-44	27 IR 3150	28 IR 796	326 IAC 5-1-4	A	02-337	26 IR 2026	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 41
326 IAC 2-6-1-6	RA	04-44	27 IR 3151	28 IR 797					28 IR 41
326 IAC 2-6-1-7	RA	04-44	27 IR 3154	28 IR 801	326 IAC 5-1-5	A	02-337	26 IR 2027	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 41
326 IAC 2-7-3	A	02-337	26 IR 2006	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 20					28 IR 41
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326 IAC 2-7-8	A	02-337	26 IR 2006	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 20	326 IAC 6-1-1.5	R	02-335	28 IR 1813	
				28 IR 20	326 IAC 6-1-2	R	02-335	28 IR 1813	
326 IAC 2-7-18	A	02-337	26 IR 2007	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 21	326 IAC 6-1-3	R	02-335	28 IR 1813	
				28 IR 21	326 IAC 6-1-4	R	02-335	28 IR 1813	
326 IAC 2-8-3	A	02-337	26 IR 2008	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 22	326 IAC 6-1-5	R	02-335	28 IR 1813	
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326 IAC 2-9-1	RA	04-44	27 IR 3155	28 IR 801	326 IAC 6-1-7	R	02-335	28 IR 1813	
326 IAC 2-9-2.5	RA	04-44	27 IR 3156	28 IR 802	326 IAC 6-1-8.1	R	02-335	28 IR 1813	
326 IAC 2-9-3	RA	04-44	27 IR 3156	28 IR 803	326 IAC 6-1-9	R	02-335	28 IR 1813	
326 IAC 2-9-4	RA	04-44	27 IR 3157	28 IR 803	326 IAC 6-1-10.1	R	02-335	28 IR 1813	
326 IAC 2-9-5	RA	04-44	27 IR 3158	28 IR 805	326 IAC 6-1-10.2	R	02-335	28 IR 1813	
326 IAC 2-9-6	RA	04-44	27 IR 3159	28 IR 805	326 IAC 6-1-11.1	R	02-335	28 IR 1813	
326 IAC 2-9-7	A	02-337	26 IR 2009	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 23	326 IAC 6-1-11.2	R	02-335	28 IR 1813	
				28 IR 23	326 IAC 6-1-12	A	04-43	28 IR 242	*GRAT (28 IR 2204) 28 IR 2037
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326 IAC 2-9-8	A	02-337	26 IR 2010	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 25					
				28 IR 25					
	RA	04-44	27 IR 3160	28 IR 806					
326 IAC 2-9-9	A	02-337	26 IR 2012	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 26					
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326 IAC 6-1-14	R	02-335	28 IR 1813		326 IAC 8-11-7	A	02-337	26 IR 2050	*ARR (27 IR 2500) *CPH (27 IR 2521)
326 IAC 6-1-15	R	02-335	28 IR 1813						28 IR 64
326 IAC 6-1-16	R	02-335	28 IR 1813		326 IAC 8-12-3	A	02-337	26 IR 2050	*ARR (27 IR 2500) *CPH (27 IR 2521)
326 IAC 6-1-17	R	02-335	28 IR 1813						28 IR 65
326 IAC 6-1-18	R	02-335	28 IR 1813		326 IAC 8-12-5	A	02-337	26 IR 2052	*ARR (27 IR 2500) *CPH (27 IR 2521)
326 IAC 6.5	N	02-335	28 IR 1714						28 IR 67
326 IAC 6.5-7-13	A	04-234	28 IR 1814	*CPH (28 IR 2406)	326 IAC 8-12-6	A	02-337	26 IR 2053	*ARR (27 IR 2500) *CPH (27 IR 2521)
326 IAC 6.8	N	02-335	28 IR 1766						28 IR 68
326 IAC 6.8-2-4	A	04-278	28 IR 3004		326 IAC 8-12-7	A	02-337	26 IR 2054	*ARR (27 IR 2500) *CPH (27 IR 2521)
326 IAC 7-1.1-1	A	00-236	28 IR 632	*CPH (28 IR 982) *CPH (28 IR 1710)					28 IR 68
				28 IR 2953	326 IAC 8-13-5	A	02-337	26 IR 2055	*ARR (27 IR 2500) *CPH (27 IR 2521)
326 IAC 7-1.1-2	A	00-236	28 IR 632	*CPH (28 IR 982) *CPH (28 IR 1710)					28 IR 69
				28 IR 2953	326 IAC 10-1-2	A	02-337	26 IR 2056	*ARR (27 IR 2500) *CPH (27 IR 2521)
326 IAC 7-2-1	A	02-337	26 IR 2028	*ARR (27 IR 2500) *CPH (27 IR 2521)					28 IR 70
				28 IR 42	326 IAC 10-1-4	A	02-337	26 IR 2057	*ARR (27 IR 2500) *CPH (27 IR 2521)
	A	00-236	28 IR 632	*CPH (28 IR 982) *CPH (28 IR 1710)					28 IR 71
				28 IR 2953	326 IAC 10-1-5	A	02-337	26 IR 2059	*ARR (27 IR 2500) *CPH (27 IR 2521)
326 IAC 7-4-1.1	R	00-236	28 IR 644	*CPH (28 IR 982) *CPH (28 IR 1710)					28 IR 73
				28 IR 2966	326 IAC 10-1-6	A	02-337	26 IR 2059	*ARR (27 IR 2500) *CPH (27 IR 2521)
326 IAC 7-4-3	A	03-195	27 IR 2319	28 IR 117					28 IR 74
326 IAC 7-4-10	A	02-337	26 IR 2029	*ARR (27 IR 2500) *CPH (27 IR 2521)	326 IAC 10-3-3	A	04-200	28 IR 2781	
				28 IR 43	326 IAC 10-4-1	A	04-200	28 IR 2782	
326 IAC 7-4-13	A	03-282	27 IR 2768	*CPH (27 IR 3591) *GRAT (28 IR 2204)	326 IAC 10-4-2	A	04-200	28 IR 2783	
				28 IR 2021	326 IAC 10-4-3	A	04-200	28 IR 2790	
326 IAC 7-4.1	N	00-236	28 IR 633	*CPH (28 IR 982) *CPH (28 IR 1710)	326 IAC 10-4-9	A	04-200	28 IR 2791	
				28 IR 2954	326 IAC 10-4-13	A	04-200	28 IR 2797	
326 IAC 8-1-4	A	02-337	26 IR 2030	*ARR (27 IR 2500) *CPH (27 IR 2521)	326 IAC 10-4-14	A	04-200	28 IR 2801	
				28 IR 44	326 IAC 10-4-15	A	04-200	28 IR 2801	
326 IAC 8-4-6	A	02-337	26 IR 2032	*ARR (27 IR 2500) *CPH (27 IR 2521)	326 IAC 10-5	N	04-200	28 IR 2803	
				28 IR 47	326 IAC 11-3-4	A	02-337	26 IR 2060	*ARR (27 IR 2500) *CPH (27 IR 2521)
326 IAC 8-4-9	A	02-337	26 IR 2035	*ARR (27 IR 2500) *CPH (27 IR 2521)					28 IR 74
				28 IR 49	326 IAC 11-7-1	A	02-337	26 IR 2061	*ARR (27 IR 2500) *CPH (27 IR 2521)
326 IAC 8-7-7	A	02-337	26 IR 2036	*ARR (27 IR 2500) *CPH (27 IR 2521)					28 IR 75
				28 IR 51	326 IAC 13-1.1-1	A	02-337	26 IR 2062	*ARR (27 IR 2500) *CPH (27 IR 2521)
326 IAC 8-9-2	A	02-337	26 IR 2037	*ARR (27 IR 2500) *CPH (27 IR 2521)					28 IR 76
				28 IR 51	326 IAC 13-1.1-8	A	02-337	26 IR 2063	*ARR (27 IR 2500) *CPH (27 IR 2521)
326 IAC 8-9-3	A	02-337	26 IR 2037	*ARR (27 IR 2500) *CPH (27 IR 2521)					28 IR 77
				28 IR 51	326 IAC 13-1.1-10	A	02-337	26 IR 2063	*ARR (27 IR 2500) *CPH (27 IR 2521)
326 IAC 8-9-4	A	02-337	26 IR 2038	*ARR (27 IR 2500) *CPH (27 IR 2521)					28 IR 78
				28 IR 52	326 IAC 13-1.1-13	A	02-337	26 IR 2064	*ARR (27 IR 2500) *CPH (27 IR 2521)
326 IAC 8-9-5	A	02-337	26 IR 2040	*ARR (27 IR 2500) *CPH (27 IR 2521)					28 IR 79
				28 IR 54	326 IAC 13-1.1-14	A	02-337	26 IR 2065	*ARR (27 IR 2500) *CPH (27 IR 2521)
326 IAC 8-9-6	A	02-337	26 IR 2042	*ARR (27 IR 2500) *CPH (27 IR 2521)					28 IR 80
				28 IR 56	326 IAC 13-1.1-16	A	02-337	26 IR 2066	*ARR (27 IR 2500) *CPH (27 IR 2521)
326 IAC 8-10-7	A	02-337	26 IR 2044	*ARR (27 IR 2500) *CPH (27 IR 2521)					28 IR 81
				28 IR 58	326 IAC 14-1-1	A	02-337	26 IR 2066	*ARR (27 IR 2500) *CPH (27 IR 2521)
326 IAC 8-11-2	A	02-337	26 IR 2044	*ARR (27 IR 2500) *CPH (27 IR 2521)					28 IR 81
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326 IAC 14-1-4	R	02-337	26 IR 2099	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 114	326 IAC 18-1-4	A	03-283	27 IR 3131	*CPH (27 IR 3591) *GRAT (28 IR 2204) 28 IR 2025
326 IAC 14-3-1	A	02-337	26 IR 2067	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 82	326 IAC 18-1-5	A	02-337	26 IR 2086	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 101
326 IAC 14-4-1	A	02-337	26 IR 2067	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 82	326 IAC 18-1-6	A	03-283	27 IR 3132	*CPH (27 IR 3591) *GRAT (28 IR 2204) 28 IR 2026
326 IAC 14-5-1	A	02-337	26 IR 2068	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 82	326 IAC 18-1-6	A	03-283	27 IR 3133	*CPH (27 IR 3591) *GRAT (28 IR 2204) 28 IR 2027
326 IAC 14-7-1	A	02-337	26 IR 2068	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 83	326 IAC 18-1-7	A	02-337	26 IR 2087	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 102
326 IAC 14-8-1	A	02-337	26 IR 2068	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 83	326 IAC 18-1-8	A	02-337	26 IR 2088	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 103
326 IAC 14-8-3	A	02-337	26 IR 2069	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 83	326 IAC 18-1-9	A	03-283	27 IR 3134	*CPH (27 IR 3591) *GRAT (28 IR 2204) 28 IR 2028
326 IAC 14-8-4	A	02-337	26 IR 2069	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 84	326 IAC 18-2-2	A	02-337	26 IR 2088	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 103
326 IAC 14-8-5	A	02-337	26 IR 2069	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 84	326 IAC 18-2-3	A	03-283	27 IR 3134	*CPH (27 IR 3591) *GRAT (28 IR 2204) 28 IR 2028
326 IAC 14-9-5	A	02-337	26 IR 2070	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 84	326 IAC 18-2-3	A	02-337	26 IR 2090	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 104
326 IAC 14-9-8	A	02-337	26 IR 2071	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 85	326 IAC 18-2-6	A	03-283	27 IR 3136	*CPH (27 IR 3591) *GRAT (28 IR 2204) 28 IR 2030
326 IAC 14-9-9	A	02-337	26 IR 2071	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 86	326 IAC 18-2-6	A	02-337	26 IR 2096	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 111
326 IAC 14-10-1	A	02-337	26 IR 2072	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 87	326 IAC 18-2-7	A	02-337	26 IR 2097	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 112
326 IAC 14-10-2	A	02-337	26 IR 2074	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 88	326 IAC 19-2-1	A	05-80	28 IR 3007	
326 IAC 14-10-3	A	02-337	26 IR 2076	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 91	326 IAC 20-25-1	A	03-264	27 IR 3123	*CPH (27 IR 3590) *GRAT (28 IR 2204) 28 IR 2017
326 IAC 14-10-4	A	02-337	26 IR 2078	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 93	326 IAC 20-25-2	A	03-264	27 IR 3124	*CPH (27 IR 3590) *GRAT (28 IR 2204) 28 IR 2018
326 IAC 15-1-2	A	02-337	26 IR 2080	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 95	326 IAC 20-56	N	03-264	27 IR 3126	*CPH (27 IR 3590) *GRAT (28 IR 2204) 28 IR 2020
326 IAC 15-1-4	A	02-337	26 IR 2083	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 98	326 IAC 20-57	N	03-284	27 IR 1618	*CPH (27 IR 1937) 28 IR 119
326 IAC 16-3-1	A	02-337	26 IR 2084	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 98	326 IAC 20-58	N	03-284	27 IR 1619	*CPH (27 IR 1937) 28 IR 119
326 IAC 18-1-1	A	03-283	27 IR 3128	*CPH (27 IR 3591) *GRAT (28 IR 2204) 28 IR 2022	326 IAC 20-59	N	03-284	27 IR 1619	*CPH (27 IR 1937) 28 IR 119
326 IAC 18-1-2	A	02-337	26 IR 2084	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 99	326 IAC 20-60	N	03-284	27 IR 1619	*CPH (27 IR 1937) 28 IR 119
	A	03-283	27 IR 3128	*CPH (27 IR 3591) *GRAT (28 IR 2204) 28 IR 2022	326 IAC 20-61	N	03-284	27 IR 1619	*CPH (27 IR 1937) 28 IR 120
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					326 IAC 20-64	N	03-285	27 IR 2322	28 IR 121
					326 IAC 20-65	N	03-285	27 IR 2322	28 IR 121
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326 IAC 20-69	N	03-285	27 IR 2323	28 IR 122					28 IR 2055
326 IAC 20-70	N	03-284	27 IR 1620	*CPH (27 IR 1937)	327 IAC 2-1-8.1	A	03-129	27 IR 3617	*GRAT (28 IR 2205)
				28 IR 120					28 IR 2055
326 IAC 20-71	N	04-107	27 IR 3168	*CPH (27 IR 3592)	327 IAC 2-1-8.2	A	03-129	27 IR 3618	*GRAT (28 IR 2205)
				*CPH (28 IR 234)					28 IR 2056
				*GRAT (28 IR 2205)	327 IAC 2-1-8.3	A	03-129	27 IR 3620	*GRAT (28 IR 2205)
				28 IR 2043					28 IR 2057
326 IAC 20-72	N	04-107	27 IR 3169	*CPH (27 IR 3592)	327 IAC 2-1-8.9	N	03-129	27 IR 3621	*GRAT (28 IR 2205)
				*CPH (28 IR 234)					28 IR 2058
				*GRAT (28 IR 2205)	327 IAC 2-1-9	A	03-129	27 IR 3622	*GRAT (28 IR 2205)
				28 IR 2043					28 IR 2060
326 IAC 20-73	N	04-107	27 IR 3169	*CPH (27 IR 3592)	327 IAC 2-1-12	A	03-129	27 IR 3627	*GRAT (28 IR 2205)
				*CPH (28 IR 234)					28 IR 2064
				*GRAT (28 IR 2205)	327 IAC 2-1-13	N	03-129	27 IR 3627	*GRAT (28 IR 2205)
				28 IR 2044					28 IR 2065
326 IAC 20-74	N	04-107	27 IR 3169	*CPH (27 IR 3592)	327 IAC 2-1.5-2	A	03-129	27 IR 3631	*GRAT (28 IR 2205)
				*CPH (28 IR 234)					28 IR 2068
				*GRAT (28 IR 2205)	327 IAC 2-1.5-6	A	03-129	27 IR 3637	*GRAT (28 IR 2205)
				28 IR 2044					28 IR 2074
326 IAC 20-75	N	04-107	27 IR 3169	*CPH (27 IR 3592)	327 IAC 2-1.5-8	A	03-129	27 IR 3638	*GRAT (28 IR 2205)
				*CPH (28 IR 234)					28 IR 2074
				*GRAT (28 IR 2205)	327 IAC 2-1.5-10	A	03-129	27 IR 3650	*GRAT (28 IR 2205)
				28 IR 2044					28 IR 2084
326 IAC 20-76	N	04-107	27 IR 3170	*CPH (27 IR 3592)	327 IAC 2-1.5-11	A	03-129	27 IR 3651	*GRAT (28 IR 2205)
				*CPH (28 IR 234)					28 IR 2084
				*GRAT (28 IR 2205)	327 IAC 2-1.5-16	A	03-129	27 IR 3660	*GRAT (28 IR 2205)
				28 IR 2044					28 IR 2093
326 IAC 20-77	N	04-107	27 IR 3170	*CPH (27 IR 3592)	327 IAC 2-1.5-20	A	03-129	27 IR 3662	*GRAT (28 IR 2205)
				*CPH (28 IR 234)					28 IR 2096
				*GRAT (28 IR 2205)	327 IAC 2-4-3	A	03-129	27 IR 3663	*GRAT (28 IR 2205)
				28 IR 2045					28 IR 2097
326 IAC 20-78	N	04-107	27 IR 3170	*CPH (27 IR 3592)	327 IAC 3-2-1.5	N	04-320	28 IR 2192	
				*CPH (28 IR 234)	327 IAC 3-2-3.5	N	04-320	28 IR 2192	
				*GRAT (28 IR 2205)	327 IAC 3-2-5.5	N	04-320	28 IR 2193	
				28 IR 2045	327 IAC 5-1.5-72	A	03-129	27 IR 3663	*GRAT (28 IR 2205)
326 IAC 20-79	N	04-107	27 IR 3170	*CPH (27 IR 3592)					28 IR 2097
				*CPH (28 IR 234)	327 IAC 5-2-1.5	A	03-129	27 IR 3663	*GRAT (28 IR 2205)
				*GRAT (28 IR 2205)					28 IR 2097
				28 IR 2045	327 IAC 5-2-11.1	A	03-129	27 IR 3664	*GRAT (28 IR 2205)
				28 IR 2966					28 IR 2097
326 IAC 20-82	N	04-235	28 IR 997	28 IR 2966	327 IAC 5-2-11.2	A	03-129	27 IR 3668	*GRAT (28 IR 2205)
326 IAC 20-83	N	04-236	28 IR 998	28 IR 2967					28 IR 2101
326 IAC 20-84	N	04-236	28 IR 998	28 IR 2967	327 IAC 5-2-11.4	A	03-129	27 IR 3669	*GRAT (28 IR 2205)
326 IAC 20-85	N	04-236	28 IR 999	28 IR 2967					28 IR 2102
326 IAC 20-86	N	04-236	28 IR 999	28 IR 2967	327 IAC 5-2-11.5	A	03-129	27 IR 3679	*GRAT (28 IR 2205)
326 IAC 20-87	N	04-236	28 IR 999	28 IR 2968					28 IR 2112
326 IAC 20-88	N	04-236	28 IR 999	28 IR 2968	327 IAC 5-2-11.6	A	03-129	27 IR 3689	*GRAT (28 IR 2205)
326 IAC 20-90	N	04-300	28 IR 1816						28 IR 2120
326 IAC 20-91	N	04-300	28 IR 1816		327 IAC 5-2-13	A	03-129	27 IR 3694	*GRAT (28 IR 2205)
326 IAC 20-92	N	04-300	28 IR 1817						28 IR 2125
326 IAC 20-93	N	04-300	28 IR 1817		327 IAC 5-2-15	A	03-129	27 IR 3694	*GRAT (28 IR 2205)
326 IAC 20-94	N	04-300	28 IR 1817						28 IR 2126
326 IAC 22-1-1	A	02-337	26 IR 2098	*ARR (27 IR 2500)	327 IAC 5-3-5	N	03-130	28 IR 650	*CPH (28 IR 1197)
				*CPH (27 IR 2521)					28 IR 2349
				28 IR 113					
326 IAC 23-1-31	A	02-337	26 IR 2099	*ARR (27 IR 2500)	327 IAC 8-1-1	A	04-106	28 IR 2163	
				*CPH (27 IR 2521)	327 IAC 8-1-2	A	04-106	28 IR 2164	
				28 IR 114	327 IAC 8-1-3	A	04-106	28 IR 2164	
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327 IAC 1-1-1	A	03-129	27 IR 3608	*GRAT (28 IR 2205)	327 IAC 8-2-4	A	04-13	28 IR 1210	28 IR 3188
				28 IR 2046	327 IAC 8-2-4.1	A	04-13	28 IR 1212	28 IR 3190
327 IAC 1-1-2	A	03-129	27 IR 3608	*GRAT (28 IR 2205)	327 IAC 8-2-4.2	A	04-13	28 IR 1217	28 IR 3196
				28 IR 2046	327 IAC 8-2-5.1	A	04-13	28 IR 1220	28 IR 3198
327 IAC 1-1-3	A	03-129	27 IR 3608	*GRAT (28 IR 2205)	327 IAC 8-2-5.2	A	04-13	28 IR 1222	28 IR 3200
				28 IR 2046	327 IAC 8-2-5.5	A	04-13	28 IR 1225	28 IR 3203
327 IAC 2-1-5	A	03-129	27 IR 3608	*GRAT (28 IR 2205)	327 IAC 8-2-8.5	A	04-13	28 IR 1228	28 IR 3206
				28 IR 2047	327 IAC 8-2-8.7	A	04-13	28 IR 1229	28 IR 3207
327 IAC 2-1-6	A	03-129	27 IR 3609	*GRAT (28 IR 2205)	327 IAC 8-2-9	A	04-13	28 IR 1230	28 IR 3209
				28 IR 2047					

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327 IAC 8-2-10.1	A	04-13	28 IR 1230	28 IR 3209	328 IAC 1-1-3	A	02-204	27 IR 2778	*CPH (27 IR 3095) 28 IR 123
327 IAC 8-2-10.2	A	04-13	28 IR 1233	28 IR 3212	328 IAC 1-1-4	A	02-204	27 IR 2778	*CPH (27 IR 3095) 28 IR 124
327 IAC 8-2-10.3	N	04-13	28 IR 1237	28 IR 3215	328 IAC 1-1-5.1	A	02-204	27 IR 2778	*CPH (27 IR 3095) 28 IR 124
327 IAC 8-2-13	A	04-13	28 IR 1239	28 IR 3217	328 IAC 1-1-7.5	N	02-204	27 IR 2779	*CPH (27 IR 3095) 28 IR 124
327 IAC 8-2-34	A	04-13	28 IR 1239	28 IR 3218	328 IAC 1-1-8	R	02-204	27 IR 2797	*CPH (27 IR 3095) 28 IR 144
327 IAC 8-2-34.1	N	04-13	28 IR 1240	28 IR 3218	328 IAC 1-1-8.3	N	02-204	27 IR 2779	*CPH (27 IR 3095) 28 IR 124
327 IAC 8-2-45	A	04-13	28 IR 1240	28 IR 3218	328 IAC 1-1-8.5	A	02-204	27 IR 2779	*CPH (27 IR 3095) 28 IR 125
327 IAC 8-2-46	A	04-13	28 IR 1242	28 IR 3220	328 IAC 1-1-9	A	02-204	27 IR 2779	*CPH (27 IR 3095) 28 IR 125
327 IAC 8-2.1-3	A	04-13	28 IR 1244	28 IR 3223	328 IAC 1-1-10	A	02-204	27 IR 2779	*CPH (27 IR 3095) 28 IR 125
327 IAC 8-2.1-4	A	04-13	28 IR 1247	28 IR 3226	328 IAC 1-2-1	A	02-204	27 IR 2779	*CPH (27 IR 3095) 28 IR 125
327 IAC 8-2.1-6	A	04-13	28 IR 1248	28 IR 3227	328 IAC 1-2-3	A	02-204	27 IR 2780	*CPH (27 IR 3095) 28 IR 125
327 IAC 8-2.1-8	A	04-13	28 IR 1255	28 IR 3233	328 IAC 1-3-1	A	02-204	27 IR 2780	*CPH (27 IR 3095) 28 IR 126
327 IAC 8-2.1-9	A	04-13	28 IR 1256	28 IR 3234	328 IAC 1-3-1.3	N	02-204	27 IR 2780	*CPH (27 IR 3095) 28 IR 126
327 IAC 8-2.1-14	A	04-13	28 IR 1257	28 IR 3235	328 IAC 1-3-1.6	N	02-204	27 IR 2781	*CPH (27 IR 3095) 28 IR 127
327 IAC 8-2.1-16	A	04-13	28 IR 1257	28 IR 3236	328 IAC 1-3-2	A	02-204	27 IR 2781	*CPH (27 IR 3095) 28 IR 127
327 IAC 8-2.1-17	A	04-13	28 IR 1261	28 IR 3240	328 IAC 1-3-3	A	02-204	27 IR 2781	*CPH (27 IR 3095) 28 IR 127
327 IAC 8-2.6-1	A	04-13	28 IR 1268	28 IR 3247	328 IAC 1-3-4	A	02-204	27 IR 2783	*ERR (28 IR 608) *CPH (27 IR 3095) 28 IR 129
327 IAC 8-2.6-2	A	04-13	28 IR 1269	28 IR 3248	328 IAC 1-3-5	A	02-204	27 IR 2784	*CPH (27 IR 3095) 28 IR 129
327 IAC 8-2.6-2.1	N	04-13	28 IR 1271	28 IR 3250	328 IAC 1-3-6	A	02-204	27 IR 2791	*CPH (27 IR 3095) 28 IR 137
327 IAC 8-2.6-3	A	04-13	28 IR 1273	28 IR 3252	328 IAC 1-4-1	A	02-204	27 IR 2791	*CPH (27 IR 3095) 28 IR 137
327 IAC 8-2.6-4	A	04-13	28 IR 1274	28 IR 3253	328 IAC 1-4-1.5	N	02-204		*ERR (28 IR 608) †† 28 IR 140
327 IAC 8-2.6-5	A	04-13	28 IR 1274	28 IR 3253	328 IAC 1-4-3	A	02-204	27 IR 2794	*CPH (27 IR 3095) 28 IR 141
327 IAC 8-3-1	A	04-106	28 IR 2165		328 IAC 1-4-4	N	02-204	27 IR 2795	*ERR (28 IR 608) *CPH (27 IR 3095) 28 IR 141
327 IAC 8-3-1.1	A	04-106	28 IR 2166		328 IAC 1-4-5	N	02-204		*ERR (28 IR 608) †† 28 IR 141
327 IAC 8-3-2	A	04-106	28 IR 2166		328 IAC 1-5-1	A	02-204	27 IR 2795	*CPH (27 IR 3095) 28 IR 142
327 IAC 8-3-2.1	N	04-106	28 IR 2167		328 IAC 1-5-2	A	02-204	27 IR 2796	*CPH (27 IR 3095) 28 IR 142
327 IAC 8-3-3	A	04-106	28 IR 2168		328 IAC 1-5-3	A	02-204	27 IR 2796	*CPH (27 IR 3095) 28 IR 143
327 IAC 8-3-8	A	04-106	28 IR 2168		328 IAC 1-6-1	A	02-204	27 IR 2796	*CPH (27 IR 3095) 28 IR 143
327 IAC 8-3.1-1	A	04-106	28 IR 2169		328 IAC 1-6-2	A	02-204	27 IR 2796	*CPH (27 IR 3095) 28 IR 143
327 IAC 8-3.1-2	A	04-106	28 IR 2169		328 IAC 1-7-2	A	02-204	27 IR 2797	*CPH (27 IR 3095) 28 IR 144
327 IAC 8-3.2-1	A	04-106	28 IR 2170		328 IAC 1-7-3	R	02-204	27 IR 2797	*CPH (27 IR 3095) 28 IR 144
327 IAC 8-3.2-2	A	04-106	28 IR 2170						
327 IAC 8-3.2-4	A	04-106	28 IR 2171						
327 IAC 8-3.2-8	A	04-106	28 IR 2171						
327 IAC 8-3.2-11	A	04-106	28 IR 2173						
327 IAC 8-3.2-17	A	04-106	28 IR 2173						
327 IAC 8-3.2-18	A	04-106	28 IR 2174						
327 IAC 8-3.2-20	A	04-106	28 IR 2175						
327 IAC 8-3.3-4	A	04-106	28 IR 2175						
327 IAC 8-3.3-5	A	04-106	28 IR 2176						
327 IAC 8-3.3-6	A	04-106	28 IR 2176						
327 IAC 8-3.4-1	A	04-106	28 IR 2176						
327 IAC 8-3.4-2	A	04-106	28 IR 2178						
327 IAC 8-3.4-3	A	04-106	28 IR 2178						
327 IAC 8-3.4-4	A	04-106	28 IR 2179						
327 IAC 8-3.4-8	A	04-106	28 IR 2180						
327 IAC 8-3.4-9	A	04-106	28 IR 2180						
327 IAC 8-3.4-9.1	N	04-106	28 IR 2182						
327 IAC 8-3.4-12	A	04-106	28 IR 2183						
327 IAC 8-3.4-13	A	04-106	28 IR 2183						
327 IAC 8-3.4-14	A	04-106	28 IR 2183						
327 IAC 8-3.4-16	A	04-106	28 IR 2184						
327 IAC 8-3.4-17	A	04-106	28 IR 2185						
327 IAC 8-3.4-23	A	04-106	28 IR 2185						
327 IAC 8-3.4-24	A	04-106	28 IR 2186						
327 IAC 8-3.4-25	A	04-106	28 IR 2187						
327 IAC 8-3.4-27	A	04-106	28 IR 2188						
327 IAC 8-3.5-1	A	04-106	28 IR 2188						
327 IAC 8-3.5-2	A	04-106	28 IR 2189						
327 IAC 8-3.5-5	A	04-106	28 IR 2189						
327 IAC 8-4-1	A	04-106	28 IR 2190						
327 IAC 8-4-2	N	04-106	28 IR 2191						
327 IAC 8-6-1	A	04-106	28 IR 2191						
327 IAC 15-14				*ERR (28 IR 214)					
327 IAC 17	N	04-228	28 IR 1288	28 IR 2968					

TITLE 328 UNDERGROUND STORAGE TANK FINANCIAL ASSURANCE BOARD

328 IAC 1-1-2	A	02-204	27 IR 2778	*CPH (27 IR 3095) 28 IR 123
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329 IAC 3.1-1-7	A	03-312	27 IR 4110	28 IR 2661
329 IAC 3.1-6-2	A	03-312	27 IR 4111	28 IR 2662
329 IAC 3.1-6-3	A	03-312	27 IR 4112	28 IR 2663

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				*CPH (26 IR 3671)				*CPH (26 IR 3073)
				*CPH (27 IR 2299)				*CPH (26 IR 3367)
				*CPH (27 IR 2300)				*CPH (26 IR 3671)
				*ARR (27 IR 2500)				*CPH (27 IR 2299)
				*CPH (27 IR 2521)				*CPH (27 IR 2300)
			27 IR 3178	28 IR 147				*ARR (27 IR 2500)
329 IAC 9-1-29.1	R	01-161	26 IR 1239	*CPH (26 IR 1962)				*CPH (27 IR 2521)
				*CPH (26 IR 2646)			27 IR 3209	28 IR 177
				*CPH (26 IR 3073)	329 IAC 9-1-47	A	01-161	26 IR 1211
				*CPH (26 IR 3367)				*CPH (26 IR 1962)
				*CPH (26 IR 3671)				*CPH (26 IR 2646)
				*CPH (27 IR 2299)				*CPH (26 IR 3073)
				*CPH (27 IR 2300)				*CPH (26 IR 3367)
				*ARR (27 IR 2500)				*CPH (26 IR 3671)
				*CPH (27 IR 2521)				*CPH (27 IR 2299)
			27 IR 3209	28 IR 177				*CPH (27 IR 2300)
329 IAC 9-1-36	A	01-161	26 IR 1210	*CPH (26 IR 1962)				*ARR (27 IR 2500)
				*CPH (26 IR 2646)				*CPH (27 IR 2521)
				*CPH (26 IR 3073)	329 IAC 9-1-47.1	A	01-161	27 IR 3179
				*CPH (26 IR 3367)				28 IR 147
				*CPH (26 IR 3671)				*CPH (26 IR 1962)
				*CPH (27 IR 2299)				*CPH (26 IR 2646)
				*CPH (27 IR 2300)				*CPH (26 IR 3073)
				*ARR (27 IR 2500)				*CPH (26 IR 3367)
				*CPH (27 IR 2521)				*CPH (26 IR 3671)
			27 IR 3179	28 IR 147				*CPH (27 IR 2299)
329 IAC 9-1-36.5	N	01-161	27 IR 3179	28 IR 147				*ARR (27 IR 2500)
329 IAC 9-1-39.5	N	01-161	26 IR 1211	*CPH (26 IR 1962)				*CPH (27 IR 2300)
				*CPH (26 IR 2646)	329 IAC 9-2-1	A	01-161	27 IR 3179
				*CPH (26 IR 3073)				28 IR 147
				*CPH (26 IR 3367)				*CPH (26 IR 1962)
				*CPH (26 IR 3671)				*CPH (26 IR 2646)
				*CPH (27 IR 2299)				*CPH (26 IR 3073)
				*CPH (27 IR 2300)				*CPH (26 IR 3367)
				*ARR (27 IR 2500)				*CPH (26 IR 3671)
				*CPH (27 IR 2521)				*CPH (27 IR 2299)
			27 IR 3179	28 IR 147				*CPH (27 IR 2300)
329 IAC 9-1-41	R	01-161	26 IR 1239	*CPH (26 IR 1962)				*ARR (27 IR 2500)
				*CPH (26 IR 2646)	329 IAC 9-2-2	A	01-161	27 IR 3179
				*CPH (26 IR 3073)				28 IR 148
				*CPH (26 IR 3367)				*CPH (26 IR 1962)
				*CPH (26 IR 3671)				*CPH (26 IR 2646)
				*CPH (27 IR 2299)				*CPH (26 IR 3073)
				*CPH (27 IR 2300)				*CPH (26 IR 3367)
				*ARR (27 IR 2500)				*CPH (26 IR 3671)
				*CPH (27 IR 2521)				*CPH (27 IR 2299)
			27 IR 3179	28 IR 147				*ARR (27 IR 2500)
329 IAC 9-1-41	R	01-161	26 IR 1239	*CPH (26 IR 1962)				*CPH (27 IR 2521)
				*CPH (26 IR 2646)	329 IAC 9-2-1	A	01-161	27 IR 3179
				*CPH (26 IR 3073)				28 IR 150
				*CPH (26 IR 3367)				*ERR (28 IR 608)
				*CPH (26 IR 3671)				*CPH (26 IR 1962)
				*CPH (27 IR 2299)				*CPH (26 IR 2646)
				*CPH (27 IR 2300)				*CPH (26 IR 3073)
				*ARR (27 IR 2500)				*CPH (26 IR 3367)
				*CPH (27 IR 2521)				*CPH (26 IR 3671)
			27 IR 3209	28 IR 177				*CPH (27 IR 2299)
329 IAC 9-1-41.1	R	01-161	26 IR 1239	*CPH (26 IR 1962)				*ARR (27 IR 2500)
				*CPH (26 IR 2646)	329 IAC 9-2.1-1	A	01-161	26 IR 1215
				*CPH (26 IR 3073)				28 IR 151
				*CPH (26 IR 3367)				*CPH (26 IR 1962)
				*CPH (26 IR 3671)				*CPH (26 IR 2646)
				*CPH (27 IR 2299)				*CPH (26 IR 3073)
				*CPH (27 IR 2300)				*CPH (26 IR 3367)
				*ARR (27 IR 2500)				*CPH (26 IR 3671)
				*CPH (27 IR 2521)				*CPH (27 IR 2299)
			27 IR 3209	28 IR 177				*CPH (27 IR 2300)
329 IAC 9-1-41.5	N	01-161	26 IR 1211	*CPH (26 IR 1962)				*ARR (27 IR 2500)
				*CPH (26 IR 2646)	329 IAC 9-3-1	A	01-161	27 IR 3183
				*CPH (26 IR 3073)				28 IR 151
				*CPH (26 IR 3367)				*CPH (26 IR 1962)
				*CPH (26 IR 3671)				*CPH (26 IR 2646)
				*CPH (27 IR 2299)				*CPH (26 IR 3073)
				*CPH (27 IR 2300)				*CPH (26 IR 3367)
				*ARR (27 IR 2500)				*CPH (26 IR 3671)
				*CPH (27 IR 2521)				*CPH (27 IR 2299)
			27 IR 3179	28 IR 147				*CPH (27 IR 2300)
329 IAC 9-1-42.1	R	01-161	26 IR 1239	*CPH (26 IR 1962)				*ARR (27 IR 2500)
				*CPH (26 IR 2646)				*CPH (27 IR 2521)
								28 IR 152

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329 IAC 9-3-2	N	01-161	26 IR 1218	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-5-1	A	01-161	26 IR 1221	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3187	28 IR 155				27 IR 3190	28 IR 158
329 IAC 9-3.1-1	A	01-161	26 IR 1218	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-5-2	A	01-161	26 IR 1223	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3187	28 IR 155				27 IR 3191	28 IR 160
329 IAC 9-3.1-2	A	01-161	26 IR 1219	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-5-3.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3187	28 IR 155				27 IR 3209	28 IR 177
329 IAC 9-3.1-3	A	01-161	26 IR 1219	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-5-3.2	N	01-161	26 IR 1223	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3188	28 IR 156				27 IR 3192	28 IR 160
329 IAC 9-3.1-4	A	01-161	26 IR 1219	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-5-4.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3188	28 IR 156				27 IR 3209	28 IR 177
329 IAC 9-4-3	A	01-161	26 IR 1220	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-5-4.2	N	01-161	26 IR 1224	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3189	28 IR 157				27 IR 3192	28 IR 160
329 IAC 9-4-4	A	01-161	26 IR 1221	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-5-5.1	A	01-161	26 IR 1224	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3189	28 IR 158				27 IR 3193	28 IR 161

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329 IAC 9-5-6	A	01-161	26 IR 1226	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-6-5	A	01-161	26 IR 1235	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3196	28 IR 164				27 IR 3205	28 IR 173
329 IAC 9-5-7	A	01-161	26 IR 1227	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-7-1	A	01-161	26 IR 1235	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3196	28 IR 165				27 IR 3205	28 IR 173
329 IAC 9-6-1	A	01-161	26 IR 1229	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-7-2	A	01-161	26 IR 1236	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3199	28 IR 168				27 IR 3206	28 IR 174
329 IAC 9-6-2	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-7-4	A	01-161	26 IR 1237	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3209	28 IR 177				27 IR 3207	28 IR 175
329 IAC 9-6-2.5	N	01-161	26 IR 1230	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-7-5	A	01-161	27 IR 3209	28 IR 177
			27 IR 3200	28 IR 168	329 IAC 9-7-6	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
329 IAC 9-6-3	A	01-161	26 IR 1234	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)				27 IR 3209	28 IR 177
			27 IR 3204	28 IR 172	329 IAC 9-8-13				*ERR (28 IR 2391)
329 IAC 9-6-4	A	01-161	26 IR 1234	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 10-2-112	A	04-256	28 IR 1301	28 IR 2670
			27 IR 3204	28 IR 173	329 IAC 10-8.2				*ERR (28 IR 608)
				*ERR (28 IR 1184)	329 IAC 10-9-2				*ERR (28 IR 608)
					329 IAC 10-9-4				*ERR (28 IR 1485)
					329 IAC 10-11-6.5	N	04-256	28 IR 1301	28 IR 2670
					329 IAC 10-20-14.1				*ERR (28 IR 608)
					329 IAC 10-36-19				*ERR (28 IR 608)
					329 IAC 11-3-2				*ERR (28 IR 608)
					329 IAC 11-8-2.5				*ERR (28 IR 608)
					329 IAC 11-19-3				*ERR (28 IR 608)
					329 IAC 11-20-1				*ERR (27 IR 4023)
					329 IAC 12-8-4	A	03-286	27 IR 3696	*GRAT (28 IR 2204)
									28 IR 2127
					329 IAC 12-8-5	A	03-286	27 IR 3697	*GRAT (28 IR 2204)
									28 IR 2128
					329 IAC 12-9-2	A	03-286	27 IR 3698	*GRAT (28 IR 2204)
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329 IAC 13-3-1	A	03-312	27 IR 4115	28 IR 2666
329 IAC 13-3-4	N	03-312	27 IR 4116	28 IR 2668
329 IAC 13-9-5	A	03-312	27 IR 4117	28 IR 2669
329 IAC 15-1-1				*ER (28 IR 214)

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345 IAC 1-2.5	N	04-248	28 IR 1818	
345 IAC 1-3-6.5	R	04-147	27 IR 4136	28 IR 2687
345 IAC 1-3-7	A	04-147	27 IR 4120	28 IR 2671
345 IAC 1-3-9	R	04-147	27 IR 4136	28 IR 2687
345 IAC 1-3-10	A	04-147	27 IR 4121	28 IR 2672
345 IAC 1-3-31	A	04-287	28 IR 1833	
345 IAC 2-4.1	R	04-147	27 IR 4136	28 IR 2687
345 IAC 2.5	N	04-147	27 IR 4121	28 IR 2672
345 IAC 4-4-1	A	04-135	27 IR 4118	28 IR 1473
345 IAC 6-2	N	04-158	28 IR 1000	28 IR 2353
345 IAC 7-4.5	N	04-248	28 IR 1820	
345 IAC 7-5-12	A	04-147	27 IR 4135	28 IR 2687
345 IAC 7-5-15.1	A	04-16	27 IR 2797	28 IR 559
345 IAC 7-5-22	A	04-16	27 IR 2798	28 IR 559
345 IAC 8-2-1.1	A	04-286	28 IR 1821	
345 IAC 8-2-1.5	A	04-286	28 IR 1823	
345 IAC 8-2-1.6	N	04-286	28 IR 1824	
345 IAC 8-2-1.7	A	04-286	28 IR 1824	
345 IAC 8-2-1.9	A	04-286	28 IR 1825	
345 IAC 8-2-4	A	04-286	28 IR 1826	
345 IAC 8-3-1	A	04-286	28 IR 1828	
345 IAC 8-3-2	A	04-286	28 IR 1829	
345 IAC 8-3-12	N	04-286	28 IR 1829	
345 IAC 8-4-1	A	04-286	28 IR 1830	
345 IAC 10-2-5	N	04-135	27 IR 4119	28 IR 1473
345 IAC 10-2.1-1	A	04-135	27 IR 4119	28 IR 1474

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355 IAC 2-1-1	A	04-312	28 IR 1838	
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355 IAC 2-2-1	A	04-312	28 IR 1839	
355 IAC 2-2-1.5	N	04-312	28 IR 1839	
355 IAC 2-2-6	A	04-312	28 IR 1839	
355 IAC 2-2-9	A	04-312	28 IR 1839	
355 IAC 2-2-10	A	04-312	28 IR 1839	
355 IAC 2-2-13	A	04-312	28 IR 1840	
355 IAC 2-2-14	A	04-312	28 IR 1840	
355 IAC 2-2-15	A	04-312	28 IR 1840	
355 IAC 2-2-17	A	04-312	28 IR 1840	
355 IAC 2-3-4	A	04-312	28 IR 1840	
355 IAC 2-3-6	A	04-312	28 IR 1841	
355 IAC 2-3-8	A	04-312	28 IR 1841	
355 IAC 2-3-11	A	04-312	28 IR 1841	
355 IAC 2-3-12	A	04-312	28 IR 1841	
355 IAC 2-4-1	A	04-312	28 IR 1842	
355 IAC 2-4-4	R	04-312	28 IR 1846	
355 IAC 2-5-1	A	04-312	28 IR 1842	
355 IAC 2-5-2	A	04-312	28 IR 1843	
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355 IAC 2-5-4	A	04-312	28 IR 1844	
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355 IAC 4-2-2	A	04-309	28 IR 1834	
355 IAC 4-2-8	A	04-309	28 IR 1834	
355 IAC 4-5-1	A	04-310	28 IR 1835	

355 IAC 4-5-2	A	04-310	28 IR 1836	
355 IAC 4-5-3	A	04-310	28 IR 1836	
355 IAC 4-5-4	R	04-310	28 IR 1836	
355 IAC 4-5-5	R	04-310	28 IR 1836	
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355 IAC 4-6-4	R	04-311	28 IR 1838	
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357 IAC 1-6-1	A	04-160	28 IR 253	28 IR 1689
357 IAC 1-6-2	A	04-160	28 IR 254	28 IR 1690
357 IAC 1-6-3	R	04-160	28 IR 257	28 IR 1693
357 IAC 1-6-4	A	04-160	28 IR 256	28 IR 1692
357 IAC 1-6-5	A	04-160	28 IR 256	28 IR 1692
357 IAC 1-6-6	A	04-160	28 IR 256	28 IR 1693
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357 IAC 1-7-2	A	04-159	28 IR 250	28 IR 1686
357 IAC 1-7-3	R	04-159	28 IR 252	28 IR 1689
357 IAC 1-7-4	A	04-159	28 IR 251	28 IR 1687
357 IAC 1-7-5	A	04-159	28 IR 252	28 IR 1688
357 IAC 1-7-6	A	04-159	28 IR 252	28 IR 1688
357 IAC 1-7-7	N	04-159	28 IR 252	28 IR 1688
357 IAC 1-7-8	N	04-159	28 IR 252	28 IR 1689

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405 IAC 1-1-3.1	N	04-321	28 IR 2196	*NRA (28 IR 3321)
405 IAC 1-1-5	A	04-178	28 IR 258	*NRA (28 IR 1497)
				28 IR 2129
405 IAC 1-1.5-1	A	04-142	27 IR 3699	*NRA (28 IR 619)
				28 IR 815
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405 IAC 1-1.5-2	A	04-178	28 IR 259	*NRA (28 IR 1497)
				28 IR 2131
405 IAC 1-1.6	N	04-142	27 IR 3699	*NRA (28 IR 619)
				28 IR 816
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405 IAC 1-5-1	A	04-219	28 IR 655	*NRA (28 IR 1497)
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405 IAC 2-2-3	A	04-319	28 IR 1847	*NRA (28 IR 2752)
405 IAC 2-3-10	A	03-263	27 IR 1210	*ARR (27 IR 4024)
				*NRA (27 IR 4044)
				28 IR 178
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405 IAC 2-9-5	A	04-319	28 IR 1848	*NRA (28 IR 2752)
405 IAC 5-1-5	A	04-178	28 IR 260	*NRA (28 IR 1497)
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405 IAC 5-3-13	A	04-178	28 IR 260	*NRA (28 IR 1497)
				28 IR 2132
405 IAC 5-9-1	A	04-178	28 IR 261	*NRA (28 IR 1497)
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405 IAC 5-19-1	A	04-178	28 IR 261	*NRA (28 IR 1497)
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405 IAC 5-19-3	A	03-207	27 IR 267	*AROC (27 IR 2342)
405 IAC 5-19-10	A	04-178	28 IR 262	*NRA (28 IR 1497)
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405 IAC 5-26-5	A	04-178	28 IR 262	*NRA (28 IR 1497)
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405 IAC 6-2-5	A	04-95	27 IR 3210	*NRA (27 IR 4044)
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405 IAC 6-3-3	A	04-95	27 IR 3210	*NRA (27 IR 4044)
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405 IAC 6-4-2	A	04-95	27 IR 3210	*NRA (27 IR 4044) 28 IR 180	TITLE 412 INDIANA HEALTH FACILITIES COUNCIL	412 IAC 2-1-2.1	A	05-35	28 IR 3341	
405 IAC 6-4-3	A	04-95	27 IR 3211	*NRA (27 IR 4044) 28 IR 180	412 IAC 2-1-10	A	05-35	28 IR 3341		
405 IAC 6-5-1	A	04-95	27 IR 3211	*NRA (27 IR 4044) 28 IR 181	412 IAC 2-1-13	R	05-35	28 IR 3342		
405 IAC 6-5-2	A	04-95	27 IR 3211	*NRA (27 IR 4044) 28 IR 181	412 IAC 2-1-14	A	05-35	28 IR 3342		
405 IAC 6-5-3	A	04-95	27 IR 3211	*NRA (27 IR 4044) 28 IR 181	TITLE 440 DIVISION OF MENTAL HEALTH AND ADDICTION	440 IAC 7.5-1-1	A	04-229	28 IR 657	*NRA (28 IR 1497) 28 IR 2356
405 IAC 6-5-4	A	04-95	27 IR 3212	*NRA (27 IR 4044) 28 IR 181	440 IAC 7.5-2-1	A	04-229	28 IR 660	*NRA (28 IR 1497) 28 IR 2359	
405 IAC 6-5-6	A	04-95	27 IR 3212	*NRA (27 IR 4044) 28 IR 182	440 IAC 7.5-2-8	A	04-229	28 IR 661	*NRA (28 IR 1497) 28 IR 2359	
TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH					440 IAC 7.5-2-12	A	04-229	28 IR 661	*NRA (28 IR 1497) 28 IR 2360	
410 IAC 1-2.4	N	04-100	28 IR 2806		440 IAC 7.5-2-13	A	04-229	28 IR 662	*NRA (28 IR 1497) 28 IR 2361	
410 IAC 1-6	RA	05-20	28 IR 2458		440 IAC 7.5-3-3	A	04-229	28 IR 663	*NRA (28 IR 1497) 28 IR 2362	
410 IAC 6-7.2-28				*ERR (28 IR 1695)	440 IAC 7.5-3-4	A	04-229	28 IR 664	*NRA (28 IR 1497) 28 IR 2363	
410 IAC 6-7.2-29				*ERR (28 IR 2391)	440 IAC 7.5-3-7	A	04-229	28 IR 664	*NRA (28 IR 1497) 28 IR 2363	
410 IAC 6-9-3				*ERR (28 IR 1695)	440 IAC 7.5-4-4	A	04-229		*NRA (28 IR 1497) ††28 IR 2363	
410 IAC 6-12-0.5	N	03-276	27 IR 3212	28 IR 818	440 IAC 7.5-4-7	A	04-229	28 IR 664	*NRA (28 IR 1497) 28 IR 2364	
410 IAC 6-12-1	A	03-276	27 IR 3212	28 IR 818	440 IAC 7.5-4-8	A	04-229	28 IR 665	*NRA (28 IR 1497) 28 IR 2364	
410 IAC 6-12-2	R	03-276	27 IR 3216	28 IR 821	440 IAC 7.5-5-1	A	04-229	28 IR 665	*NRA (28 IR 1497) 28 IR 2364	
410 IAC 6-12-3	A	03-276	27 IR 3213	28 IR 818	440 IAC 7.5-8-1	A	04-229	28 IR 666	*NRA (28 IR 1497) 28 IR 2365	
410 IAC 6-12-3.1	N	03-276	27 IR 3213	28 IR 818	440 IAC 7.5-8-2	A	04-229	28 IR 666	*NRA (28 IR 1497) 28 IR 2365	
410 IAC 6-12-3.2	N	03-276	27 IR 3213	28 IR 818	440 IAC 7.5-8-3	A	04-229	28 IR 666	*NRA (28 IR 1497) 28 IR 2365	
410 IAC 6-12-4	A	03-276	27 IR 3213	28 IR 818	440 IAC 7.5-9-1	A	04-229	28 IR 666	*NRA (28 IR 1497) 28 IR 2365	
410 IAC 6-12-5	R	03-276	27 IR 3216	28 IR 821	440 IAC 7.5-9-2	A	04-229	28 IR 666	*NRA (28 IR 1497) 28 IR 2366	
410 IAC 6-12-6	R	03-276	27 IR 3216	28 IR 821	440 IAC 7.5-9-3	A	04-229	28 IR 667	*NRA (28 IR 1497) 28 IR 2366	
410 IAC 6-12-7	A	03-276	27 IR 3213	28 IR 818	440 IAC 7.5-10-1	A	04-229	28 IR 667	*NRA (28 IR 1497) 28 IR 2366	
410 IAC 6-12-8	A	03-276	27 IR 3213	28 IR 819	440 IAC 7.5-10-2	A	04-229	28 IR 667	*NRA (28 IR 1497) 28 IR 2366	
410 IAC 6-12-9	A	03-276	27 IR 3214	28 IR 820	440 IAC 7.5-10-3	N	04-229	28 IR 667	*NRA (28 IR 1497) 28 IR 2367	
410 IAC 6-12-10	A	03-276	27 IR 3215	28 IR 820	440 IAC 7.5-11	N	04-229	28 IR 667	*NRA (28 IR 1497) 28 IR 2367	
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410 IAC 6-12-12	A	03-276	27 IR 3215	28 IR 820	460 IAC 1-3.4	N	04-75	28 IR 1002	*NRA (28 IR 1497)	
410 IAC 6-12-13	A	03-276	27 IR 3215	28 IR 820	460 IAC 1-8-3	A	04-199	28 IR 1007	*AROC (28 IR 2461) *NRA (28 IR 1497) 28 IR 2690	
410 IAC 6-12-14	A	03-276	27 IR 3215	28 IR 821	460 IAC 1-8-11	N	04-199	28 IR 1007	*NRA (28 IR 1497) 28 IR 2691	
410 IAC 6-12-15	R	03-276	27 IR 3216	28 IR 821	460 IAC 1-8-12	N	04-199	28 IR 1008	*NRA (28 IR 1497) 28 IR 2691	
410 IAC 6-12-17	N	03-276	27 IR 3216	28 IR 821	460 IAC 1-8-13	N	04-199	28 IR 1008	*NRA (28 IR 1497) 28 IR 2691	
410 IAC 7-20	R	04-60	27 IR 3301	28 IR 906	460 IAC 1-10	N	03-231	27 IR 3303	*NRA (28 IR 233) 28 IR 910	
410 IAC 7-21-34				*ERR (28 IR 1695)	460 IAC 1-11	N	04-136	28 IR 1004	*NRA (28 IR 1497) 28 IR 2687	
410 IAC 7-23-1	A	04-62	27 IR 3301	28 IR 908						
410 IAC 7-24	N	04-60	27 IR 3216	28 IR 822						
					*ERR (28 IR 1485)					
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410 IAC 15-2.2	RA	05-20	28 IR 2458							
410 IAC 15-2.3	RA	05-20	28 IR 2458							
410 IAC 15-2.4	RA	05-20	28 IR 2458							
410 IAC 15-2.5	RA	05-20	28 IR 2458							
410 IAC 15-2.6	RA	05-20	28 IR 2458							
410 IAC 15-2.6-1				*ERR (28 IR 1695)						
410 IAC 15-2.7	RA	05-20	28 IR 2458							
410 IAC 16.2-1.1-19.3	N	04-7	27 IR 2542	28 IR 189						
410 IAC 16.2-3.1-2	A	03-297	27 IR 2536	28 IR 182						
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410 IAC 16.2-3.1-21				*ERR (28 IR 1695)						
410 IAC 16.2-3.1-53	N	04-7	27 IR 2545	28 IR 192						
410 IAC 16.2-5-1.1	A	03-297	27 IR 2539	28 IR 185						
410 IAC 16.2-5-1.4	A	04-7	27 IR 2547	28 IR 193						
410 IAC 16.2-5-1.5				*ERR (28 IR 1695)						
410 IAC 16.2-5-1.6				*ERR (28 IR 1695)						
410 IAC 16.2-5-5.1				*ERR (28 IR 1695)						
410 IAC 16.2-5-13	N	04-7	27 IR 2548	28 IR 194						
410 IAC 21-3-6	R	04-161	28 IR 657	28 IR 2356						
410 IAC 21-3-8	A	04-161	28 IR 656	28 IR 2355						
410 IAC 21-3-9	A	04-161	28 IR 656	28 IR 2355						

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460 IAC 1.1	N	03-245	27 IR 2799	*AROC (27 IR 3344) *NRA (28 IR 233) *GRAT (28 IR 2204) 28 IR 912	470 IAC 3-1.1-13	A	04-77	27 IR 2839	*NRA (28 IR 1196) *AROC (28 IR 1317) *ARR (28 IR 2140) *GRAT (28 IR 2205) *AWR (28 IR 2393)
460 IAC 2-2.1	N	04-76	27 IR 3701	*NRA (28 IR 233) 28 IR 2368	470 IAC 3-1.1-14	A	04-77	27 IR 2840	*NRA (28 IR 1196) *AROC (28 IR 1317) *ARR (28 IR 2140) *GRAT (28 IR 2205) *AWR (28 IR 2393)
460 IAC 3.5-2-3	N	04-269	28 IR 1303	*AWR (28 IR 1697)					
TITLE 470 DIVISION OF FAMILY RESOURCES									
470 IAC 3-1.1-0.5	A	04-77	27 IR 2837	*NRA (28 IR 1196) *AROC (28 IR 1317) *ARR (28 IR 2140) *GRAT (28 IR 2205) *AWR (28 IR 2393)	470 IAC 3-1.1-15	A	04-77	27 IR 2840	*NRA (28 IR 1196) *AROC (28 IR 1317) *ARR (28 IR 2140) *GRAT (28 IR 2205) *AWR (28 IR 2393)
470 IAC 3-1.1-1	A	04-77	27 IR 2838	*NRA (28 IR 1196) *AROC (28 IR 1317) *ARR (28 IR 2140) *GRAT (28 IR 2205) *AWR (28 IR 2393)	470 IAC 3-1.1-16	A	04-77	27 IR 2840	*NRA (28 IR 1196) *AROC (28 IR 1317) *ARR (28 IR 2140) *GRAT (28 IR 2205) *AWR (28 IR 2393)
470 IAC 3-1.1-2	A	04-77	27 IR 2838	*NRA (28 IR 1196) *AROC (28 IR 1317) *ARR (28 IR 2140) *GRAT (28 IR 2205) *AWR (28 IR 2393)	470 IAC 3-1.1-20	A	04-77	27 IR 2840	*NRA (28 IR 1196) *AROC (28 IR 1317) *ARR (28 IR 2140) *GRAT (28 IR 2205) *AWR (28 IR 2393)
470 IAC 3-1.1-4	A	04-77	27 IR 2838	*NRA (28 IR 1196) *AROC (28 IR 1317) *ARR (28 IR 2140) *GRAT (28 IR 2205) *AWR (28 IR 2393)	470 IAC 3-1.1-20.1	N	04-77	27 IR 2840	*NRA (28 IR 1196) *AROC (28 IR 1317) *ARR (28 IR 2140) *GRAT (28 IR 2205) *AWR (28 IR 2393)
470 IAC 3-1.1-6	A	04-77	27 IR 2838	*NRA (28 IR 1196) *AROC (28 IR 1317) *ARR (28 IR 2140) *GRAT (28 IR 2205) *AWR (28 IR 2393)	470 IAC 3-1.1-22.5	A	04-77	27 IR 2840	*NRA (28 IR 1196) *AROC (28 IR 1317) *ARR (28 IR 2140) *GRAT (28 IR 2205) *AWR (28 IR 2393)
470 IAC 3-1.1-7.2	A	04-77	27 IR 2838	*NRA (28 IR 1196) *AROC (28 IR 1317) *ARR (28 IR 2140) *GRAT (28 IR 2205) *AWR (28 IR 2393)	470 IAC 3-1.1-24	A	04-77	27 IR 2841	*NRA (28 IR 1196) *AROC (28 IR 1317) *ARR (28 IR 2140) *GRAT (28 IR 2205) *AWR (28 IR 2393)
470 IAC 3-1.1-7.4	A	04-77	27 IR 2839	*NRA (28 IR 1196) *AROC (28 IR 1317) *ARR (28 IR 2140) *GRAT (28 IR 2205) *AWR (28 IR 2393)	470 IAC 3-1.1-28	A	04-77	27 IR 2841	*NRA (28 IR 1196) *AROC (28 IR 1317) *ARR (28 IR 2140) *GRAT (28 IR 2205) *AWR (28 IR 2393)
470 IAC 3-1.1-8	A	04-77	27 IR 2839	*NRA (28 IR 1196) *AROC (28 IR 1317) *ARR (28 IR 2140) *GRAT (28 IR 2205) *AWR (28 IR 2393)	470 IAC 3-1.1-28.5	A	04-77	27 IR 2842	*NRA (28 IR 1196) *AROC (28 IR 1317) *ARR (28 IR 2140) *GRAT (28 IR 2205) *AWR (28 IR 2393)
470 IAC 3-1.1-9	R	04-77	27 IR 2857	*NRA (28 IR 1196) *AROC (28 IR 1317) *ARR (28 IR 2140) *GRAT (28 IR 2205) *AWR (28 IR 2393)	470 IAC 3-1.1-29	A	04-77	27 IR 2842	*NRA (28 IR 1196) *AROC (28 IR 1317) *ARR (28 IR 2140) *GRAT (28 IR 2205) *AWR (28 IR 2393)
470 IAC 3-1.1-10	A	04-77	27 IR 2839	*NRA (28 IR 1196) *AROC (28 IR 1317) *ARR (28 IR 2140) *GRAT (28 IR 2205) *AWR (28 IR 2393)	470 IAC 3-1.1-29.5	A	04-77	27 IR 2842	*NRA (28 IR 1196) *AROC (28 IR 1317) *ARR (28 IR 2140) *GRAT (28 IR 2205) *AWR (28 IR 2393)
470 IAC 3-1.1-12	A	04-77	27 IR 2839	*NRA (28 IR 1196) *AROC (28 IR 1317) *ARR (28 IR 2140) *GRAT (28 IR 2205) *AWR (28 IR 2393)	470 IAC 3-1.1-32	R	04-77	27 IR 2857	*NRA (28 IR 1196) *AROC (28 IR 1317) *ARR (28 IR 2140) *GRAT (28 IR 2205) *AWR (28 IR 2393)
470 IAC 3-1.1-12.5	A	04-77	27 IR 2839	*NRA (28 IR 1196) *AROC (28 IR 1317) *ARR (28 IR 2140) *GRAT (28 IR 2205) *AWR (28 IR 2393)	470 IAC 3-1.1-32.1	N	04-77	27 IR 2843	*NRA (28 IR 1196) *AROC (28 IR 1317) *ARR (28 IR 2140) *GRAT (28 IR 2205) *AWR (28 IR 2393)

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655 IAC 1-2.1-75	A	04-138	28 IR 1020	*AROC (28 IR 1073) 28 IR 2704	675 IAC 13-2.4-43.2	N	04-216	28 IR 1531	
655 IAC 1-2.1-75.2	A	04-138	28 IR 1020	*AROC (28 IR 1073) 28 IR 2704	675 IAC 13-2.4-43.6	N	04-216	28 IR 1531	
655 IAC 1-2.1-75.3	A	04-138	28 IR 1020	*AROC (28 IR 1073) 28 IR 2704	675 IAC 13-2.4-47	A	04-216	28 IR 1531	
655 IAC 1-2.1-75.4	A	04-138	28 IR 1021	*AROC (28 IR 1073) 28 IR 2705	675 IAC 13-2.4-55	A	04-216	28 IR 1533	
655 IAC 1-2.1-75.5	A	04-138	28 IR 1021	*AROC (28 IR 1073) 28 IR 2705	675 IAC 13-2.4-55.5	N	04-216	28 IR 1533	
655 IAC 1-2.1-76.1	A	04-138	28 IR 1022	*AROC (28 IR 1073) 28 IR 2706	675 IAC 13-2.4-56.5	N	04-216	28 IR 1533	
655 IAC 1-2.1-76.2	R	04-138	28 IR 1029	*AROC (28 IR 1073) 28 IR 2712	675 IAC 13-2.4-68		02-115		*ERR (28 IR 1695)
655 IAC 1-2.1-76.3	R	04-138	28 IR 1029	*AROC (28 IR 1073) 28 IR 2712	675 IAC 13-2.4-96.5	N	04-216	28 IR 1533	
655 IAC 1-2.1-96	N	04-138	28 IR 1022	*AROC (28 IR 1073) 28 IR 2706	675 IAC 13-2.4-105.6	N	04-216	28 IR 1533	
655 IAC 1-2.1-97	N	04-138	28 IR 1022	*AROC (28 IR 1073) 28 IR 2706	675 IAC 13-2.4-107.3	N	04-216	28 IR 1534	
655 IAC 1-2.1-98	N	04-138	28 IR 1023	*AROC (28 IR 1073) 28 IR 2706	675 IAC 13-2.4-107.5	N	04-216	28 IR 1534	
655 IAC 1-2.1-99	N	04-138	28 IR 1023	*AROC (28 IR 1073) 28 IR 2707	675 IAC 13-2.4-107.6	N	04-216	28 IR 1534	
655 IAC 1-2.1-100	N	04-138	28 IR 1023	*AROC (28 IR 1073) 28 IR 2707	675 IAC 13-2.4-118	A	04-216	28 IR 1534	
655 IAC 1-2.1-101	N	04-138	28 IR 1024	*AROC (28 IR 1073) 28 IR 2708	675 IAC 13-2.4-118.4	N	04-216	28 IR 1534	
655 IAC 1-2.1-102	N	04-138	28 IR 1024	*AROC (28 IR 1073) 28 IR 2708	675 IAC 13-2.4-121.5	N	04-216	28 IR 1534	
655 IAC 1-2.1-103	N	04-138	28 IR 1025	*AROC (28 IR 1073) 28 IR 2709	675 IAC 13-2.4-122	A	04-216	28 IR 1534	
655 IAC 1-2.1-104	N	04-138	28 IR 1025	*AROC (28 IR 1073) 28 IR 2709	675 IAC 13-2.4-122.5	N	04-216	28 IR 1535	
655 IAC 1-2.1-105	N	04-138	28 IR 1026	*AROC (28 IR 1073) 28 IR 2710	675 IAC 13-2.4-131		02-115		*ERR (28 IR 1695)
655 IAC 1-2.1-106	N	04-138	28 IR 1026	*AROC (28 IR 1073) 28 IR 2710	675 IAC 13-2.4-132	A	04-216	28 IR 1535	
655 IAC 1-2.1-107	N	04-138	28 IR 1027	*AROC (28 IR 1073) 28 IR 2710	675 IAC 13-2.4-132.3	N	04-216	28 IR 1535	
655 IAC 1-2.1-108	N	04-138	28 IR 1027	*AROC (28 IR 1073) 28 IR 2711	675 IAC 13-2.4-132.5	N	04-216	28 IR 1535	
655 IAC 1-2.1-109	N	04-138	28 IR 1027	*AROC (28 IR 1073) 28 IR 2711	675 IAC 13-2.4-133.5	N	04-216	28 IR 1535	
655 IAC 1-2.1-110	N	04-138	28 IR 1027	*AROC (28 IR 1073) 28 IR 2711	675 IAC 13-2.4-134.5	N	04-216	28 IR 1535	
655 IAC 1-2.1-111	N	04-297	28 IR 2419	*AROC (28 IR 3354)	675 IAC 13-2.4-143	A	04-216	28 IR 1535	
655 IAC 1-2.1-112	N	04-297	28 IR 2423	*AROC (28 IR 3354)	675 IAC 13-2.4-174		02-115		*ERR (28 IR 1695)
655 IAC 1-2.1-113	N	04-297	28 IR 2423	*AROC (28 IR 3354)	675 IAC 13-2.4-180.5	N	04-216	28 IR 1536	
655 IAC 1-2.1-114	N	04-297	28 IR 2424	*AROC (28 IR 3354)	675 IAC 13-2.4-201.5	N	04-216	28 IR 1536	
655 IAC 1-2.1-115	N	04-297	28 IR 2425	*AROC (28 IR 3354)	675 IAC 13-2.4-201.7	N	04-216	28 IR 1536	
655 IAC 1-3-8	R	03-186	27 IR 941	*AROC (27 IR 1652)	675 IAC 13-2.4-210.3	N	04-216	28 IR 1536	
655 IAC 1-4-2	A	04-138	28 IR 1028	*AROC (28 IR 1073) 28 IR 2712	675 IAC 13-2.4-210.5	N	04-216	28 IR 1536	
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					675 IAC 13-2.4-222		02-115		*ERR (28 IR 1695)
					675 IAC 13-2.4-228.5	N	04-216	28 IR 1538	
					675 IAC 14-4.2	R	04-194	28 IR 312	
					675 IAC 14-4.2-3				28 IR 3304
					675 IAC 14-4.2-19.5				*ERR (28 IR 970)
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675 IAC 13-2.4-10	A	04-216	28 IR 1529						
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675 IAC 15-1.6	N	04-227	28 IR 1051								
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675 IAC 16-2	RA	05-3	28 IR 3052								
675 IAC 17-1.6	R	04-273	28 IR 1859								
675 IAC 17-1.7	N	04-273	28 IR 1855								
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675 IAC 22-2.2-26	N	04-196	28 IR 1029								28 IR 324
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675 IAC 22-2.2-49.5	R	04-56	27 IR 2864								*CPH (28 IR 982)
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675 IAC 22-2.2-107.1	R	04-56	27 IR 2864								*CPH (28 IR 982)
675 IAC 22-2.2-134.5	R	04-56	27 IR 2864								*CPH (28 IR 982)
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675 IAC 22-2.2-183	RA	04-19	27 IR 2340								28 IR 324
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675 IAC 22-2.2-221.5	R	04-56	27 IR 2864								*CPH (28 IR 982)
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675 IAC 22-2.2-240.1	R	04-56	27 IR 2864								*CPH (28 IR 982)
675 IAC 22-2.2-241.1	R	04-56	27 IR 2864								*CPH (28 IR 982)
675 IAC 22-2.2-243.1	R	04-56	27 IR 2864								*CPH (28 IR 982)
675 IAC 22-2.2-245.2	R	04-56	27 IR 2864								*CPH (28 IR 982)
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675 IAC 22-2.2-245.5	R	04-56	27 IR 2864								*CPH (28 IR 982)
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675 IAC 22-2.2-365.2	R	04-56	27 IR 2864								*CPH (28 IR 982)
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675 IAC 22-2.2-365.5	R	04-56	27 IR 2864								*CPH (28 IR 982)
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675 IAC 22-2.2-368.1	R	04-56	27 IR 2864								*CPH (28 IR 982)
675 IAC 22-2.2-369.5	R	04-56	27 IR 2864								*CPH (28 IR 982)
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675 IAC 22-2.2-378.5	R	04-56	27 IR 2864								*CPH (28 IR 982)
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675 IAC 22-2.2-412.5	R	04-56	27 IR 2864								*CPH (28 IR 982)
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675 IAC 22-2.2-437.5	R	04-56	27 IR 2864								*CPH (28 IR 982)
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675 IAC 22-2.2-437.7	R	04-56	27 IR 2864								*CPH (28 IR 982)
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675 IAC 22-2.2-443.5	R	04-56	27 IR 2864								*CPH (28 IR 982)
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675 IAC 22-2.2-511.1	R	04-56	27 IR 2864								*CPH (28 IR 982)
675 IAC 22-2.2-515.1	R	04-56	27 IR 2864								*CPH (28 IR 982)
675 IAC 22-2.2-540	R	04-56	27 IR 2864								*CPH (28 IR 982)
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675 IAC 22-2.3-29.5	N	04-56	27 IR 2860								*CPH (28 IR 982)
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675 IAC 22-2.3-35.5	N	04-56	27 IR 2860								*CPH (28 IR 982)
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675 IAC 22-2.3-36	A	04-56	27 IR 2860								*CPH (28 IR 982)
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675 IAC 22-2.3-36.3	N	04-56	27 IR 2861								*CPH (28 IR 982)
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675 IAC 22-2.3-36.4	N	04-56	27 IR 2861								*CPH (28 IR 982)
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675 IAC 22-2.3-36.6	N	04-56	27 IR 2863								*CPH (28 IR 982)
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675 IAC 22-2.3-147.5	N	04-56	27 IR 2863	*CPH (28 IR 982) 28 IR 2373	760 IAC 2-3-8	N	03-303	27 IR 3311	28 IR 567
675 IAC 22-2.3-147.6	N	04-56	27 IR 2863	*CPH (28 IR 982) 28 IR 2373	760 IAC 2-4-1	A	03-303	27 IR 3311	28 IR 568
675 IAC 22-2.3-148	A	04-56	27 IR 2864	*CPH (28 IR 982) 28 IR 2374	760 IAC 2-4-2	N	03-303	27 IR 3312	28 IR 569
675 IAC 22-2.3-148.5	N	04-56	27 IR 2864	*CPH (28 IR 982) 28 IR 2374	760 IAC 2-7-1	A	03-303	27 IR 3313	*ERR (28 IR 609) 28 IR 570
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675 IAC 22-2.3-298.5	N	04-56	27 IR 2864	*CPH (28 IR 982) 28 IR 2374	760 IAC 2-8-2	A	03-303	27 IR 3314	28 IR 571
675 IAC 22-2.3-304.5	N	04-56	27 IR 2864	*CPH (28 IR 982) 28 IR 2374	760 IAC 2-8-3	A	03-303	27 IR 3314	28 IR 571
675 IAC 25-1-3		02-118		*ERR (28 IR 1696)	760 IAC 2-8-4	A	03-303	27 IR 3315	28 IR 572
675 IAC 25-1-7.2	N	04-218	28 IR 1310		760 IAC 2-8-6	N	03-303	27 IR 3316	28 IR 572
675 IAC 25-1-7.4	N	04-218	28 IR 1310		760 IAC 2-9-1	A	03-303	27 IR 3316	28 IR 572
675 IAC 25-1-7.6	N	04-218	28 IR 1310		760 IAC 2-10-1	A	03-303	27 IR 3316	28 IR 573
675 IAC 25-1-9.1	N	04-218	28 IR 1310		760 IAC 2-13-1	A	03-303	27 IR 3317	28 IR 573
675 IAC 25-1-9.3	N	04-218	28 IR 1310		760 IAC 2-15-1	A	03-303	27 IR 3317	28 IR 574
675 IAC 25-1-9.5	N	04-218	28 IR 1310		760 IAC 2-15.5	N	03-303	27 IR 3319	28 IR 575
675 IAC 25-1-9.7	N	04-218	28 IR 1310		760 IAC 2-16-1	A	03-303	27 IR 3320	28 IR 576
675 IAC 25-1-9.9	N	04-218	28 IR 1310		760 IAC 2-16.1	N	03-303	27 IR 3320	28 IR 576
675 IAC 26	N	04-196	28 IR 1031	*CPH (28 IR 1498) *AROC (28 IR 2461)	760 IAC 2-17-1	A	03-303	27 IR 3323	28 IR 580
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710 IAC 1-14-6	A	05-46	28 IR 3008	*CPH (28 IR 3322)	760 IAC 2-20-31.1	A	03-303	27 IR 3329	28 IR 586
710 IAC 1-22	N	05-81	28 IR 3009	*CPH (28 IR 3322)	760 IAC 2-20-34	A	03-303	27 IR 3329	28 IR 586
TITLE 760 DEPARTMENT OF INSURANCE					760 IAC 2-20-35	A	03-303	27 IR 3332	28 IR 589
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760 IAC 1-21-3	A	04-140	28 IR 1311	28 IR 2375	760 IAC 2-20-36.2	A	03-303	27 IR 3333	28 IR 590
760 IAC 1-21-4	A	04-140	28 IR 1311	28 IR 2375	760 IAC 2-20-37.2	A	03-303	27 IR 3334	28 IR 590
760 IAC 1-21-5	A	04-140	28 IR 1311	28 IR 2375	760 IAC 2-20-37.3	N	03-303	27 IR 3334	28 IR 590
760 IAC 1-21-8	A	04-140	28 IR 1312	28 IR 2376	760 IAC 2-20-38.1	A	03-303	27 IR 3334	28 IR 590
760 IAC 1-21-10	N	04-140	28 IR 1313	28 IR 2376	760 IAC 2-20-42	A	03-303	27 IR 3335	28 IR 591
760 IAC 1-21-11	N	04-140	28 IR 1313	28 IR 2376	760 IAC 3-1-1	A	05-5	28 IR 2426	
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760 IAC 1-71	N	05-26	28 IR 2456	*AROC (28 IR 2814)				28 IR 3014	
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*Key:

A:	Amended Text
AGA:	Attorney General's Action
AROC:	Administrative Rules Oversight Committee Notice
ARR:	Agency Recalls Rule
AWR:	Agency Withdrew Rule
CPH:	Change in Public Hearing
DAG:	Disapproved by Attorney General
DG:	Disapproved by Governor
ER:	Emergency Rule
ERR:	Errata
ETR:	Emergency Temporary Rule
ETS:	Emergency Temporary Standard
GRAT:	Governor Requires Additional Time
N:	New Text
NRA:	Notice of Rule Adoption
OAC:	Objection to Errata
ON:	Other Notices of Administrative Action
R:	Repealed Text
RA:	Readopted Rule
SAC:	Solicitation of Advance Comment
SPE:	Statutory Period for Promulgation Expired
SPE-SE:	Statutory Period for Promulgation Expired; Signed After Expiration
††:	Renumbered or Added in Final Rule

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326 IAC 1-3-4	27 IR 3121	Coke Ovens: Pushing, Quenching, and Battery Stacks		Secondary Aluminum	
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326 IAC 2-5.5-4	27 IR 3147	General Provisions	326 IAC 8-12-6	26 IR 2053
	28 IR 793	Incorporation of federal regulations		28 IR 68
Source modification		326 IAC 22-1-1	Sinter Plants	
326 IAC 2-5.5-6	27 IR 3147		Test procedures	
	28 IR 794		326 IAC 8-13-5	26 IR 2054
Source Specific Operating Agreement Program		SULFUR DIOXIDE RULES		28 IR 69
Abrasive cleaning operations		Compliance	Specific VOC Reduction Requirements for	
326 IAC 2-9-5	27 IR 3158	Reporting requirements; methods to deter-	Lake, Porter, Clark, and Floyd Counties	
	28 IR 805	mine compliance	Test methods and procedures	
Automobile refinishing operations		326 IAC 7-2-1	326 IAC 8-7-7	26 IR 2036
326 IAC 2-9-11	27 IR 3164			28 IR 51
	28 IR 810		Volatile Organic Liquid Storage Vessels	
Coal mines and coal preparation plants		Emission Limitations and Requirements by	Definitions	
326 IAC 2-9-10	26 IR 2013	County	326 IAC 8-9-3	26 IR 2037
	28 IR 27	Dearborn County sulfur dioxide emission		28 IR 51
	27 IR 3163	limitations	Exemptions	
	28 IR 809	326 IAC 7-4-13	326 IAC 8-9-2	26 IR 2036
Crushed stone processing plants				28 IR 51
326 IAC 2-9-8	26 IR 2010	Vigo County sulfur dioxide emission limita-	Record keeping and reporting requirements	
	28 IR 25	tions	326 IAC 8-9-6	26 IR 2042
	27 IR 3160	326 IAC 7-4-3		28 IR 56
	28 IR 806		Standards	
Degreasing operations		Warrick County sulfur dioxide emission	326 IAC 8-9-4	26 IR 2038
326 IAC 2-9-12	27 IR 3165	limitations		28 IR 52
	28 IR 811	326 IAC 7-4-10	Testing and procedures	
External combustion sources			326 IAC 8-9-5	26 IR 2040
326 IAC 2-9-13	26 IR 2014	Lake County Sulfur Dioxide Emission Limita-		28 IR 54
	28 IR 28	tions	Wood Furniture Coatings	
	27 IR 3165	326 IAC 7-4.1	Compliance procedures and monitoring re-	
	28 IR 811		quirements	
General provisions		Sulfur Dioxide Emission Limitations	326 IAC 8-11-6	26 IR 2046
326 IAC 2-9-1	27 IR 3155	Applicability		28 IR 60
	28 IR 801	326 IAC 7-1.1-1	Definitions	
Grain elevators			326 IAC 8-11-2	26 IR 2044
326 IAC 2-9-6	27 IR 3159	Sulfur dioxide emission limitations		28 IR 59
	28 IR 805	326 IAC 7-1.1-2	Test procedures	
Industrial or commercial surface coating			326 IAC 8-11-7	26 IR 2050
operations not subject to 326 IAC 8-2;		VOLATILE ORGANIC COMPOUND RULES		28 IR 64
graphic arts operation not subject to 326		Automobile Refinishing	ALCOHOL AND TOBACCO COMMISSION	
IAC 8-5-5		Test procedures	GENERAL PROVISIONS	
326 IAC 2-9-2.5	27 IR 3156	326 IAC 8-10-7	Minors	
	28 IR 802		Loitering	
Internal combustion sources		General Provisions	905 IAC 1-15.2-3	27 IR 3337
326 IAC 2-9-14	27 IR 3167	Testing procedures	Permit Renewal; Letter of Extension	
	28 IR 814	326 IAC 8-1-4	Revocation of letter of extension	
Ready-mix concrete batch plants			905 IAC 1-26-3	27 IR 3338
326 IAC 2-9-9	26 IR 2011	Petroleum Sources	Tobacco Retail Sales Certificates	
	28 IR 26	Gasoline dispensing facilities	905 IAC 1-46	27 IR 1291
	27 IR 3162	326 IAC 8-4-6		28 IR 969
	28 IR 808		Tracking Beer Kegs	
Sand and gravel plants		Leaks from transports and vapor collection	Identification markers	
326 IAC 2-9-7	26 IR 2009	systems; records	905 IAC 1-45-2	27 IR 2576
	28 IR 23	326 IAC 8-4-9		28 IR 1484
	27 IR 3159		Receipt for the keg	
	28 IR 805	Shipbuilding or Ship Repair Operations in	905 IAC 1-45-3	27 IR 2576
Surface coating or graphic arts operations		Clark, Floyd, Lake, and Porter Counties		28 IR 1484
326 IAC 2-9-3	27 IR 3156	Compliance requirements	Trade Practices; Permissible Activity Between	
	28 IR 802	326 IAC 8-12-5	Primary Sources of Supply, Wholesalers, and	
Woodworking operations			Retailers	
326 IAC 2-9-4	27 IR 3157	Definitions	Samples; consumer product sampling	
	28 IR 803	326 IAC 8-12-3	905 IAC 1-5.2-9.2	27 IR 3337
STATE ENVIRONMENTAL POLICY			Withdrawal of Consent to Transfer Permit	
General Conformity		Record keeping, notification, and reporting	905 IAC 1-48	27 IR 3339
Applicability; incorporation by reference of		requirements		
federal standards		326 IAC 8-12-7		
326 IAC 16-3-1	26 IR 2084			
	28 IR 98			

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ANIMAL HEALTH, INDIANA STATE BOARD OF

DAIRY PRODUCTS

- Drug Residues and Other Adulterants
 - Drug residues
 - 345 IAC 8-4-1 28 IR 1830
- Production, Handling, Processing, Packaging, and Distribution of Milk and Milk Products
 - Abnormalities of milk
 - 345 IAC 8-2-1.6 28 IR 1824
 - Bulk milk collection; pickup tankers; samples
 - 345 IAC 8-2-4 28 IR 1826
 - Definitions
 - 345 IAC 8-2-1.1 28 IR 1821
 - General requirements; permits
 - 345 IAC 8-2-1.9 28 IR 1825
 - "Milk products" defined
 - 345 IAC 8-2-1.5 28 IR 1823
 - "Pasteurization", "pasteurized", "ultra pasteurization", and "aseptic processing" defined
 - 345 IAC 8-2-1.7 28 IR 1824
- Standards for Milk and Milk Products and Grade A Standards
 - Components of Grade A dairy products
 - 345 IAC 8-3-12 28 IR 1829
 - Grade A milk production and storage
 - 345 IAC 8-3-2 28 IR 1829
 - Incorporation by reference; standards
 - 345 IAC 8-3-1 28 IR 1828

DOMESTIC ANIMAL DISEASE CONTROL; GENERAL PROVISIONS

- Importation of Domestic Animals
 - Animals for immediate slaughter
 - 345 IAC 1-3-10 27 IR 4121
- Cattle and bison
 - 345 IAC 1-3-7 27 IR 4120
- Chronic wasting disease; carcasses
 - 345 IAC 1-3-31 28 IR 1833
- Premises Identification
 - 345 IAC 1-2.5 28 IR 1818

EQUINE

- Contagious Equine Metritis (CEM)
 - 345 IAC 6-2 28 IR 1000

LIVESTOCK DEALERS, MARKETING, EXHIBITIONS, AND SLAUGHTER LIVESTOCK

- Exhibition of Domestic Animals and Poultry
 - Pseudorabies tests for swine
 - 345 IAC 7-5-15.1 27 IR 2797
- Tuberculosis control in cattle and bison
 - 345 IAC 7-5-12 27 IR 4135
- Vaccinations and tests required for dogs and cats
 - 345 IAC 7-5-22 27 IR 2798
- Exhibitions
 - 345 IAC 7-4.5 28 IR 1820

POULTRY

- National Poultry Improvement Plan
 - National Poultry Improvement Plan; adoption by reference
 - 345 IAC 4-4-1 27 IR 4118

POULTRY AND POULTRY PRODUCTS INSPECTION

- Administration; Application of Inspection and Other Requirements
 - Delivery and acceptance of poultry for slaughter
 - 345 IAC 10-2-5 27 IR 4119

- Incorporation by Reference
 - Incorporation by reference; poultry products inspection
 - 345 IAC 10-2.1-1 27 IR 4119

TUBERCULOSIS CONTROL

- 345 IAC 2.5 27 IR 4121

ARCHITECTS AND LANDSCAPE ARCHITECTS, BOARD OF REGISTRATION FOR REGISTRATION; CODE OF CONDUCT FOR ARCHITECTS

- Continuing Education
 - Continuing education
 - 804 IAC 1.1-8 28 IR 1055
- General Provisions
 - Definitions and abbreviations
 - 804 IAC 1.1-1-1 28 IR 1054

ATTORNEY GENERAL'S OPINIONS

(See Cumulative Table of Executive Orders and Attorney General's Opinions at 28 IR 2301)

BOXING COMMISSION, STATE

BOXING AND OTHER RING EXHIBITIONS

- Contestants
 - Athletic costumes and protective equipment
 - 808 IAC 2-1-5 27 IR 2564
- Female boxers
 - 808 IAC 2-1-12 27 IR 2564

- Gloves
 - Gloves; mouthpiece; inspection; specifications
 - 808 IAC 2-22-1 27 IR 2565

- Physician; Testing for the Use of Prohibited Drugs
 - Confidentiality
 - 808 IAC 2-12-8 27 IR 2568
 - Costs
 - 808 IAC 2-12-7 27 IR 2568

- Definitions
 - 808 IAC 2-12-0.5 27 IR 2566

- Disciplinary actions
 - 808 IAC 2-12-6 27 IR 2567

- Refusal to submit to drug test
 - 808 IAC 2-12-5 27 IR 2567

- Test for prohibited drugs
 - 808 IAC 2-12-3 27 IR 2567

- Testing procedures
 - 808 IAC 2-12-4 27 IR 2567

- Use of prohibited drugs
 - 808 IAC 2-12-2 27 IR 2567

- Referees
 - Discontinuation of fight; declaration of winner
 - 808 IAC 2-7-14 27 IR 2564

- Scoring Decisions
 - Exhibitions
 - 808 IAC 2-9-5 27 IR 2564

- Weighing Time
 - Weighing-in; attendance
 - 808 IAC 2-18-1 27 IR 2565

GENERAL PROVISIONS

- Licenses and Permits
 - Security for the purse; forms
 - 808 IAC 1-3-6 27 IR 2563

- Seats for Commission and Officials
 - Bond of promoter license applicant
 - 808 IAC 1-5-2 27 IR 2563

- Seats for commission, judges, timekeepers, and other officials
 - 808 IAC 1-5-1 27 IR 2563

CHEMIST OF THE STATE OF INDIANA, STATE

COMMERCIAL FERTILIZERS

- Definitions
 - "Approved" defined
 - 355 IAC 2-2-1 28 IR 1839
 - "Appurtenance" defined
 - 355 IAC 2-2-1.5 28 IR 1839
 - "Field operations" defined
 - 355 IAC 2-2-6 28 IR 1839
 - "Low pressure nitrogen solutions" defined
 - 355 IAC 2-2-9 28 IR 1839
 - "Operational area" defined
 - 355 IAC 2-2-10 28 IR 1839
 - "Secondary containment" defined
 - 355 IAC 2-2-13 28 IR 1840
 - "State chemist" defined
 - 355 IAC 2-2-14 28 IR 1840
 - "Storage container" defined
 - 355 IAC 2-2-15 28 IR 1840
 - "Storage facility location registry" defined
 - 355 IAC 2-2-17 28 IR 1840

- Diked Secondary Containment of Fluid Bulk Fertilizers
 - Concrete liners
 - 355 IAC 2-5-4 28 IR 1844
 - Drainage from contained areas within dikes
 - 355 IAC 2-5-12.5 28 IR 1845
 - Drainage from contained areas within dikes; elephant rings instead of a diked containment area
 - 355 IAC 2-5-12 28 IR 1845
- Exemptions
 - 355 IAC 2-5-8 28 IR 1844

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General requirements		COSMETOLOGY EXAMINERS, STATE BOARD OF	Record keeping requirements	
355 IAC 2-5-1	28 IR 1842	COSMETOLOGY SCHOOLS	460 IAC 1-8-13	28 IR 1008
Inspection and maintenance		Curriculum		28 IR 2691
355 IAC 2-5-13	28 IR 1846	Content of final practical demonstration examination	Posting of Notices	
Lining; general		820 IAC 4-4-8.1	460 IAC 1-11	28 IR 1004
355 IAC 2-5-3	28 IR 1843	School examinations		28 IR 2687
Synthetic liners		820 IAC 4-4-8	Processing of Applications	
355 IAC 2-5-6	28 IR 1844	General Requirements	460 IAC 1-3-4	28 IR 1002
Walls		Completion of application by cosmetology school; cosmetology student required to attend cosmetology school after graduation	DIVISION OF REHABILITATION SERVICES	
355 IAC 2-5-2	28 IR 1843	prohibited	Board of Interpreter Standards	
General Provisions		820 IAC 4-1-12	460 IAC 2-2.1	27 IR 3701
Boron-containing fertilizers; warning requirements		Graduation defined		28 IR 2368
355 IAC 2-1-6	28 IR 1838	820 IAC 4-1-11	HOME AND COMMUNITY BASED SERVICES	
Degree of fineness of unacidulated phosphate materials; registration and labeling		Record retention	460 IAC 1.1	27 IR 2799
355 IAC 2-1-1	28 IR 1838	820 IAC 4-1-9		28 IR 912
Operational Area Containment for Fluid Fertilizers		Records	RATES FOR ADULT DAY SERVICES PROVIDED BY COMMUNITY MENTAL RETARDATION AND OTHER DEVELOPMENTAL DISABILITIES CENTERS	
Loadout and unloading pads		820 IAC 4-1-7	Unit of Service Reimbursement Rates	
355 IAC 2-4-1	28 IR 1842	Instructors	Annual review of adult day service reimbursement rates	
Primary Containment of Fluid Bulk Fertilizer at Storage Facilities		License	460 IAC 3.5-2-3	28 IR 1303
Compliance with effective date of rule		820 IAC 4-3-1		
355 IAC 2-3-12	28 IR 1841		EDUCATION, INDIANA STATE BOARD OF ACHIEVEMENT TESTS	
Inspection and maintenance		DEAF BOARD, INDIANA SCHOOL FOR THE	Indiana Statewide Testing for Educational Progress (ISTEP) Program	
355 IAC 2-3-11	28 IR 1841	514 IAC	Alternate assessment based on alternate achievement standards in lieu of ISTEP+	
Pipes and fittings			511 IAC 5-2-4.5	28 IR 668
355 IAC 2-3-8	28 IR 1841	DENTISTRY, STATE BOARD OF GENERAL PROVISIONS		28 IR 2691
Prohibited materials		Fees	ADMINISTRATION; INFORMATION COLLECTION PROCESSING; SCHOOL FINANCE; GENERAL PROVISIONS	
355 IAC 2-3-4	28 IR 1840	Dental fees	Determining and Reporting Attendance and Membership for State Support	
Security		828 IAC 0.5-2-3	Definitions	
355 IAC 2-3-6	28 IR 1841		511 IAC 1-3-1	27 IR 3305
Storage and Handling of Dry Bulk Fertilizers		INSTRUCTOR'S LICENSES		28 IR 965
Storage and handling		General Requirements	DRIVER EDUCATION; GRADUATION REQUIREMENTS; NONSTANDARD PROGRAMS; HIGH ABILITY STUDENTS; POSTSECONDARY ENROLLMENT	
355 IAC 2-6-1.5	28 IR 1846	828 IAC 5	Graduation Requirements	
Storage Facility Location Registry			Academic honors diploma; additional course requirements	
Facility registry		LICENSURE OF DENTISTS AND DENTAL HYGIENISTS	511 IAC 6-7-6.5	27 IR 2552
355 IAC 2-9-1	28 IR 1846	Continuing Education for Renewal of License		28 IR 959
PESTICIDE USE AND APPLICATION		Continuing education course requirement	Graduation Requirements for Students Who Begin High School in the 2005-2006 School Year and Subsequent Years	
Licensed Applicators (for Hire) and Registered Technicians; Qualifications, Training, and Supervision		828 IAC 1-5-6	511 IAC 6-7.1	28 IR 1303
Definitions			Students who enter high school in the 2007-2008 school year and subsequent school years; Core 40 diploma expected	
355 IAC 4-5-1	28 IR 1835	DISABILITY, AGING, AND REHABILITATIVE SERVICES, DIVISION OF	511 IAC 6-7.1-4.5	28 IR 1849
Record keeping and supervision requirements for licensed applicators for hire		AGING	SCHOOL ACCREDITATION	
355 IAC 4-5-2	28 IR 1836	Caretaker Support Program	Approved High School Courses	
Requirements for category 7b applicator license for hire		460 IAC 1-10	Business technology education; technology education	
355 IAC 4-5-3	28 IR 1836		511 IAC 6.1-5.1-9	27 IR 2557
Site Awareness and Direct Supervision of Noncertified Applicators		Personal Services Attendant for Individuals in Need of Self-Directed In-Home Care		28 IR 964
Pesticide use by noncertified persons		Attendant care service provider registration requirement; preclusion		28 IR 2199
355 IAC 4-2-2	28 IR 1834	460 IAC 1-8-3	Fine arts courses	
Technician registration requirements			511 IAC 6.1-5.1-8	27 IR 2556
355 IAC 4-2-8	28 IR 1834	Method of payment to a fiscal agent		28 IR 963
Training Requirements for Licensed Applicators and Registered Technicians; Category 3b		460 IAC 1-8-12		
Definitions				
355 IAC 4-6-1	28 IR 1837	Method of payment to a personal services attendant		
Requirements for category 3b applicator license for hire		460 IAC 1-8-11		
355 IAC 4-6-3	28 IR 1837			
CORONERS TRAINING BOARD		DISABILITY, AGING, AND REHABILITATIVE SERVICES, DIVISION OF		
CONTINUING EDUCATION		AGING		
207 IAC 2	28 IR 624	Caretaker Support Program		
		460 IAC 1-10		
		Personal Services Attendant for Individuals in Need of Self-Directed In-Home Care		
		Attendant care service provider registration requirement; preclusion		
		460 IAC 1-8-3		
		Method of payment to a fiscal agent		
		460 IAC 1-8-12		
		Method of payment to a personal services attendant		
		460 IAC 1-8-11		

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Language arts courses		Defaults and dismissals		Annual inspection	
511 IAC 6.1-5.1-2	27 IR 2553	315 IAC 1-3-7	28 IR 994	470 IAC 3-1.1-28.5	27 IR 2842
	28 IR 960		28 IR 2777	“Applicant” defined	
Mathematics		Filing and service of pleadings and documents		470 IAC 3-1.1-1	27 IR 2837
511 IAC 6.1-5.1-5	27 IR 2555	315 IAC 1-3-3	28 IR 992	“Assistant caregiver” defined	
	28 IR 962		28 IR 2775	470 IAC 3-1.1-2	27 IR 2838
Multidisciplinary courses		Form of pleadings and documents		“Caregiver” defined	
511 IAC 6.1-5.1-1	28 IR 2198	315 IAC 1-3-4	28 IR 993	470 IAC 3-1.1-4	27 IR 2838
Other acceptable courses			28 IR 2776	Child abuse and neglect	
511 IAC 6.1-5.1-11	28 IR 2202	Informal settlement; alternative dispute resolution		470 IAC 3-1.1-35	27 IR 2846
Science courses		315 IAC 1-3-8	28 IR 994	“Child care” defined	
511 IAC 6.1-5.1-6	27 IR 2555		28 IR 2777	470 IAC 3-1.1-6	27 IR 2838
	28 IR 962	Initiation of a proceeding for administrative review		Child care home capacity	
Social studies courses		315 IAC 1-3-2	28 IR 991	470 IAC 3-1.1-24	27 IR 2841
511 IAC 6.1-5.1-3	27 IR 2553		28 IR 2774	“Child care provider” defined	
	28 IR 960	Petition for judicial review		470 IAC 3-1.1-8	27 IR 2839
Vocational-technical courses		315 IAC 1-3-14	28 IR 996	Child to staff ratio	
511 IAC 6.1-5.1-10.1	27 IR 2550		28 IR 2779	470 IAC 3-1.1-36.5	27 IR 2846
	28 IR 957	Powers and duties of the director, presiding environmental law judge, and office of environmental adjudication		“Class I child care home” defined	
	28 IR 2200	315 IAC 1-3-1	28 IR 991	470 IAC 3-1.1-7.2	27 IR 2838
World language courses			28 IR 2773	“Design professional” defined	
511 IAC 6.1-5.1-4	27 IR 2554	Representatives and attorneys; eligibility to practice		470 IAC 3-1.1-7.4	27 IR 2839
	28 IR 961	315 IAC 1-3-15	28 IR 996	Discipline policy	
ENGINEERS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL ADMINISTRATION; GENERAL REQUIREMENTS			28 IR 2779	470 IAC 3-1.1-41	27 IR 2848
Examinations		Request for extension of time for filing pleading, document, or motion		Extended hours	
Examination attempts for certification as an EI		315 IAC 1-3-5	28 IR 994	470 IAC 3-1.1-51	27 IR 2853
864 IAC 1.1-4.1-9	28 IR 603		28 IR 2776	Fire prevention	
Fees		Stay		470 IAC 3-1.1-46	27 IR 2851
Fee for examination administration		315 IAC 1-3-2.1	28 IR 992	General environment	
864 IAC 1.1-12-2	27 IR 2570		28 IR 2775	470 IAC 3-1.1-45	27 IR 2850
	28 IR 604	ETHICS COMMISSION, STATE STATE OFFICERS AND EMPLOYEES		Health	
Fees charged by board		Indiana Code of Ethics for the Conduct of State Business		470 IAC 3-1.1-44	27 IR 2849
864 IAC 1.1-12-1	27 IR 2569	Acceptable gifts, favors, services, entertainment, food, drink, and honoraria		Inappropriate discipline	
	28 IR 604	40 IAC 2-1-6	28 IR 987	470 IAC 3-1.1-41.2	27 IR 2848
Limited Liability Company Practice			28 IR 2160	“Infant” defined	
864 IAC 1.1-14	26 IR 3739	Appearances; activities; expenses		470 IAC 3-1.1-10	27 IR 2839
	27 IR 875	40 IAC 2-1-7	28 IR 988	Initial licensure	
Qualifications for Examination			28 IR 2161	470 IAC 3-1.1-28	27 IR 2841
Engineering intern; education and work experience		Ethics education		“Licensee” defined	
864 IAC 1.1-2-4	27 IR 2569	40 IAC 2-1-5.5	28 IR 987	470 IAC 3-1.1-12	27 IR 2839
	28 IR 603		28 IR 2160	License provisions	
ENVIRONMENTAL ADJUDICATION, OFFICE OF ADJUDICATORY PROCEEDINGS BEFORE ENVIRONMENTAL LAW JUDGES		EXECUTIVE ORDERS		470 IAC 3-1.1-29.5	27 IR 2842
General Provisions		(See Cumulative Table of Executive Orders and Attorney General's Opinions at 28 IR 2301)		Medical requirements	
Definitions		FAMILY RESOURCES, DIVISION OF CHILD WELFARE SERVICES		470 IAC 3-1.1-34	27 IR 2845
315 IAC 1-2-1	28 IR 990	Child care development fund voucher program; provider eligibility		470 IAC 3-1.1-44.5	27 IR 2850
	28 IR 2772	470 IAC 3-18	27 IR 1627	Minimum standards	
Rules of Practice			28 IR 950	470 IAC 3-1.1-0.5	27 IR 2837
Conduct of hearing; separation of witnesses		Child Care Homes		Nutrition	
315 IAC 1-3-10	28 IR 995	Activities for healthy development		470 IAC 3-1.1-42	27 IR 2849
	28 IR 2778	470 IAC 3-1.1-38	27 IR 2847	470 IAC 3-1.1-38.5	27 IR 2847
Conduct of prehearing conference				Pets	
315 IAC 1-3-9	28 IR 995			470 IAC 3-1.1-45.5	27 IR 2850
	28 IR 2778			Positive discipline	
Continuances of prehearing conference, status conference, stay hearing, and hearing				470 IAC 3-1.1-41.1	27 IR 2848
315 IAC 1-3-12	28 IR 996			“Probationary license” defined	
	28 IR 2778			470 IAC 3-1.1-12.5	27 IR 2839
				“Protected outdoor play area” defined	
				470 IAC 3-1.1-13	27 IR 2839
				“Provisional license” defined	
				470 IAC 3-1.1-14	27 IR 2840
				Record requirements	
				470 IAC 3-1.1-32.1	27 IR 2843
				“Relatives” defined	
				470 IAC 3-1.1-15	27 IR 2840

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Section 902; definitions					
675 IAC 13-2.4-55	28 IR 1533				
Section 903.2.1.3; Group A-3					
675 IAC 13-2.4-55.5	28 IR 1533				
Section 903.3.1.1; NFPA 13 sprinkler system					
675 IAC 13-2.4-56.5	28 IR 1533				
Section 1003.3.3; stairways					
675 IAC 13-2.4-105.6	28 IR 1533				
Section 1004.3.2.1; construction					
675 IAC 13-2.4-107.3	28 IR 1534				
Section 1005.3.2; vertical exit enclosures					
675 IAC 13-2.4-107.5	28 IR 1534				
Section 1005.3.5.1; separation					
675 IAC 13-2.4-107.6	28 IR 1534				
Section 1605.4; special seismic load combination					
675 IAC 13-2.4-121.5	28 IR 1534				
Section 1607.4; concentrated loads					
675 IAC 13-2.4-122.5	28 IR 1535				
Section 1616.2.3; Seismic Use Group III					
675 IAC 13-2.4-132	28 IR 1535				
Section 1617.4.1.1; calculation of seismic response coefficient					
675 IAC 13-2.4-132.3	28 IR 1535				
Section 1621.1; component importance factor					
675 IAC 13-2.4-133.5	28 IR 1535				
Section 1621.2.1; architectural component forces and displacements					
675 IAC 13-2.4-134.5	28 IR 1535				
Section 1621.3.12.1; mechanical equipment					
675 IAC 13-2.4-143	28 IR 1535				
Section 2109.5.5.2; additional provisions					
675 IAC 13-2.4-201.5	28 IR 1536				
Section 2110.1.1; limitations					
675 IAC 13-2.4-201.7	28 IR 1536				
Section 2304.11.9; underfloor ventilation (crawl space)					
675 IAC 13-2.4-213.3	28 IR 1536				
Section 2306.1; allowable stress design					
675 IAC 13-2.4-213.5	28 IR 1536				
Section 2308.2.1; basic wind speed greater than 100 mph (3-second gust)					
675 IAC 13-2.4-214.2	28 IR 1537				
Section 3104.5; fire barriers between pedestrian walkways and buildings					
675 IAC 13-2.4-228.5	28 IR 1538				
Table 601; fire resistance rating for building elements (hours)					
675 IAC 13-2.4-43.2	28 IR 1531				
Table 719.1(2); rated fire-resistive periods for various walls and partitions					
675 IAC 13-2.4-47	28 IR 1531				
Table 1003.2.2.2; maximum floor area allowances per occupant					
675 IAC 13-2.4-96.5	28 IR 1533				
Table 1505.1; minimum roof covering classification for types of construction					
675 IAC 13-2.4-118	28 IR 1534				
Table 1507.2; asphalt shingle application					
675 IAC 13-2.4-118.4	28 IR 1534				
Table 1607.1; minimum uniformly distributed live loads and minimum concentrated live loads					
675 IAC 13-2.4-122	28 IR 1534				
Table 1617.6; design coefficients and factors for basic seismic-force resisting systems					
675 IAC 13-2.4-132.5	28 IR 1535				
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